

**CITY OF LYNN**

**Regular City Council Meeting, September 13, 2011  
Council President Timothy Phelan Presiding**

**Eleven Councillors Present  
Moment of Silence.  
Pledge of Allegiance.**

**Motion made by Councillor Lozzi and seconded by Councillor Trahan to suspend the rules to award citations to the 14U Greater Lynn Babe Ruth All Star Team in recognition of “2011 District One Champions”; and the 15U Greater Lynn Babe Ruth All Star Teams in recognition of “2011 District One Champions. Motion carried.**

**Motion made by Councillor Colucci and seconded by Councillor Trahan to accept the Meeting Minutes of July 12, 2011 and August 9, 2011. Motion carried.**

**COMMUNICATIONS:**

**Communication from Her Honor the Mayor:**

*Dear Councilors:*

*I am hereby appointing Ms. Julia Greene to the Lynn Historical Commission. Ms. Greene's term is effective immediately and will expire on February 24, 2014.*

*Sincerely, Judith Flanagan Kennedy, Mayor.*

**Motion made by Councillor Colucci and seconded by Councillor Ford to appoint Ms. Greene to the Lynn Historical Commission, effective immediately and will expire on February 24, 2014.**

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

**11 YES 0 NO**

**Communication from Her Honor the Mayor:**

*Dear Councilors:*

*I am hereby appointing Ms. Isabell Van Merlin to the Lynn Historical Commission. Ms. Van Merlin's term is effective immediately and will expire on February 24, 2014.*

*Sincerely, Judith Flanagan Kennedy, Mayor*

**Motion made by Councillor Colucci and seconded by Councillor Ford to appoint Ms. Isabell Van Merlin to the Lynn Historical Commission, effective immediately and will expire on February 24, 2014.**

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

**11 YES 0 NO**

**Communication from Her Honor the Mayor:**

*Dear Councilors:*

*I am hereby reappointing Ms. Patricia Lee to the Lynn Historical Commission. Ms. Lee's term is effective immediately and will expire on February 24, 2014.*

*Sincerely, Judith Flanagan Kennedy, Mayor*

**Motion made by Councillor Colucci and seconded by Councillor Ford to reappoint Ms. Lee to the Lynn Historical Commission, effective immediately and will expire on February 24, 2014.**

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

**11 YES 0 NO**

**PUBLIC HEARINGS:**

Petition of El Monumento Cafeteria, Miguel Angel Minier, for permission for an open cafeteria with 4 tables for eat in and take out from 8:00 a.m. to 11:00 p.m. 7 days a week at 28 Market Street. (Crighton)

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.**

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

**9 YES 0 NO (Councillor Capano and Councillor Ford absent at vote).**

Petition of Classic Hot Dog Co., James W. Controy for permission to operate a mobile "Hot Dog" truck at Global Gas Station, 180 Boston Street/8 Washington Street.

(Crighton)

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Crowley and seconded by Councillor Ford to grant a 90 Day License.**

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

**8 YES 3 NO (Councillors Capano, Crighton, and Cyr voting NO).**

Petition of National Grid, Doreen Alhamdaune, for permission to install a steel stub pole (26-84) in the public way at 98-102 Hamilton Avenue. (Colucci)

The following appeared in Favor:

Mike Corhueva, National Grid.

The following appeared in Opposition:

Resident, 102 Hamilton Street

Public Hearing Closed.

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

**Motion carried by the following yea and nay vote:  
10 YES 1 NO (Councillor Duffy voting NO).**

Petition of NextG Networks, Inc. for conduit and Fiber Location and to attach equipment to existing utility and street light Pole #10 on Church Street to Neptune Boulevard, Blossom Street to Shepard Street. (Capano)

The following appeared in Favor:

Amy Tierney, NextG

Tony Adams, NextG

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Capano and seconded by Councillor Crowley to TABLE.**

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

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

-Petition of Las Delicias Restaurant, Manuel M. Carvajal, for permission to sell beer and wine at an existing Restaurant at 180 Union Street, Hours to be Mon-Thursday 10 am to 11 pm, Fri-Sunday, 10 am to 11:30 p.m. (Colucci)

-Petition of Lynn Arts, Inc., Susan Halter, Director, for permission to allow a mural to be painted on side of building at 25 Exchange Street. Hours to be Mon, Tues, Wed and Friday 10-4, Thurs. 10-8 and Sat. 11-4 (Crighton)

-Petition of Lynn Community Health Center, Lori Abrams Berry, for permission for an Awning at 269 Union Street. (Crighton)

-Petition of Ronald Kemperle, Albert Kemperle, Inc., for permission for a wholesale distributor of auto body supplies at 1073R Western Avenue, Monday thru Friday, 7:30 a.m. – 5:30 p.m.

-Petition of Maolis Realty Trust, John Ryder, Trustee, for permission for a sign permit at 147-183 Union Street.

**Motion made by Councillor Crowley and seconded by Councillor Capano to set down for Public Hearings.**

**Motion carried.**

**UNFINISHED BUSINESS:**

The following laid over from August 9, 2011.

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 Collectors Expense: \$15,098.79

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

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

**10 YES 0 NO (Councillor Lozzi absent at vote).**

From the Account of Fire Department Expense:

To the Account of Unpaid Bills of Prior Years: \$ 99.05

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

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

**10 YES 0 NO (Councillor Lozzi absent at vote).**

From the Account of Fire Department Expense:

To the Account of Unpaid Bills of Prior Years: \$ 220.00

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

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

**10 YES 0 NO (Councillor Lozzi absent at vote).**

From the Account of Reserve Fund:

To the Account of DPW Unpaid Bills of Prior Years: \$237,141.44

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

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

**10 YES 0 NO (Councillor Lozzi absent at vote).**

Appropriate as an "Available Fund" the amount of Twenty Five Thousand (\$25,000.00) Dollars as awarded to the City of Lynn Fire Department by the Commonwealth of Massachusetts Emergency Management Agency for an Emergency Management Performance Grant.

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

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

**10 YES 0 NO (Councillor Lozzi absent at vote).**

Rescind the Order setting down a public hearing for the demolition of 19 Clayton Street. (Lozzi)

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

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

**10 YES 0 NO (Councillor Lozzi absent at vote).**

**Motion made by Councillor Cyr and seconded by Councillor Crighton to remove from the Table the Petition of Banh Mi Café, 141 Essex Street for permission to operate a new business as a sandwich shop, Monday thru Friday, 9:00 a.m. to 5:00 p.m.**

**Motion carried.**

**Motion made by Councillor Cyr and seconded by Councillor Cyr to grant the prayer of the Petitioner with the following stipulations: Barrels must have covers; trash must be taken be removed twice a week; and not later than 10:00 p.m.**

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

## **COMMITTEE REPORTS:**

### **Report of the September 13, 2011 Committee on Audit recommending the following to be accepted:**

1. Discussion re: The City of Lynn's "2010" Audit

**2. OTHER BUSINESS  
REPORT ACCEPTED.**

### **Report of the September 13, 2011 Committee on Communications recommending the following to be accepted:**

General Discussion and Update from the Director of Inspectional Services Department.

**OTHER BUSINESS  
REPORT ACCEPTED.**

### **Report of the September 13, 2011 Committee on Minor Licenses recommending the following to be accepted:**

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

Brady, Chris, 78 Grant St.-Denied 7/12/11-per Darren Cyr-30 day review- **Granted**

Brown, Arthur, 32 Dearborn Ave. Lynn - **Granted**

Campos, Domingo, 330 Essex St. #J2- **Granted**

Faris, Adil, 12 Cedar St. Malden- 90 day review-tabled 8/9/11-90 day review - **Tabled**

Gomez, Julio-24 Surfside Rd. #7- **Granted w/30 Day Review (must come in with new license showing change of address).**

Gonzalez, Pedro, 15 Bulfinch St. - **Granted**

Joseph, Dwayne, 3 Kingsley Terr.-60 day review - **Tabled**

Kellum, Peter, 69 Rockland St. Swampscott,-90 day review tabled 8/9/11-90 day review- **Granted**

Lopez, Darwin, 355 Summer St. - **Tabled**

Saint Jour, Oberson,53 Commercial St. #2L- **Granted**

**LIVERY OPERATORS (NEW)**

Brown, Arthur, 32 Dearborn Ave- **Granted**

Lorenzo-Martinez, Jose M. 303 Broadway #A4z – **Tabled (in hospital)**

Ramos, Lawrence, 37 Melvin Ave. #2 - **Tabled**

Raye, John, 9 Robinson St. #2- **Granted**

Smith,Tyekiya, 65 Centre St. #3-tabled 8/9/11-60 day review- **Granted**

**LIVERY BUSINESS (NEW)**

Northern Destinations, LLC, 204 Blossom St. Ext.-tabled 8/9/11-30 day review- **Granted**

Also-Livery Operator Maria Benscosme-Owner of Northern Destinations 68b

Sagamore St.-tabled 8/9/11-30 day review - **WITHDRAWN**

**TAXI BUSINESS LICENSE– NEW**

UNION TAXI, Manuel Abreu, Danilo Diroche, Owners – **TABLED PENDING APPEAL.**

**TAXI OPERATORS (16) FOR NEW TAXI CO - UNION TAXI**

**\*Motion made by Councillor Duffy and seconded by Councillor Cyr that the following Taxi Operators are approved with the stipulation that Union Taxi is upheld in Court. If not, all Licenses are void. Motion carried.**

Abreu, Manuel, 20 Park St (Co-Owner)

Brache, Cirilo, 57 Harbor St Salem MA

Corsino, Marino, 66 Basset St

Diroche, Danilo, 341 Summer St (Co-Owner)

Lopez, Juan 13 Mason St

Martich, Oscar, 47 Curwin Circle

Martinez, Miguel, 23 Nahant St

Moronta-Genao, Juan 15 Grove St Salem, MA

Ozoria, Santo, 9 Prince St Place

Pacheco, Carlos, 29 Albion St Salem, MA

Peguero, Marcio, 21 Barrett Ct

Piccirillo, Domingo 12 Pope St Salem, MA

Ramirez, Thelmo 26 Chestnut St

Sanchez, Tony 10 First St Salem, MA

Suarez, Alberto 86 Newhall St

Tejeda, Mabel 21 Bloomfield St

**PUBLIC HEARING TO BE SET DOWN FOR EXTENDED HOURS FOR OCT. 11, 2011**

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

525 Lynnway-188 Commercial St.-ESE Energy dba Spiro Energy-24 hours- **Granted**

**EXTENDED HOURS (TABLED ON AUG. 9, 2011)**

60 Boston St.- McDonalds – **Granted with 30-Day Review**

108 Boston St.-Burger King – **Granted with 30-Day Review**

116 Boston St.-Wendy's - **Granted**

**SIGN - RENEWALS**

132 Central Ave., CD King- **Granted**  
 160 Chestnut St., Kuky's Hair Design- **Granted**  
 208 Essex St., Palace Auto Music- **Granted**  
 70 Granite St., Zea III Realty Trust- **Granted**  
 31-33 Lynnway, Johnny's Market- **Granted**  
 18 Market St., California Nails- **Granted**  
 112 Market St., Eastern Bank- **Granted**  
 95 Munroe St., Beden Hardware- **Granted**  
 778 Summer St., Vito's Restaurant- **Granted**  
 116 Union St., Envios de valores La Nacional- **Granted**  
 180 Union St., Las Delicias- **Granted**  
 232 Union St., Lynn C.H.C. Dental Service- **Granted**  
 616 Washington St., Dito's Corner Store- **Granted**  
 707 Western Ave., Domino's Pizza- **Granted**  
 734 Western Ave., Star Wireless LLC, d/b/a Metro PCS- **Granted**  
 793 Western Ave., Salvy The Florist- **Granted**

**CLASS II AUTO DEALER – RENEWAL**

106 Chestnut St – Kevin Auto Sales and Repair (30 day review-taxes) - **Granted**

**AUTO BODY/AUTO REPAIR – RENEWAL**

106 Chestnut St – Duran Auto Repair (30 day review-taxes) - **Granted**

**FLAMMABLE LICENSE – RENEWAL**

41 Carolyn Rd – Petrucelli Construction Co Inc (60 day review – taxes) - **Granted**

**OTHER BUSINESS:**

**REPORT ACCEPTED.**

**Report of the September 13, 2011 Committee on Public Property recommending the following to be accepted:**

Discussion re: Request from Fire Department to dispose of cell-phone equipment. **(Granted)**

Discussion re: Request from St. Joseph's Church to hang a banner from September 5-23, 2011 for their October 8<sup>th</sup> concert at City Hall. **(Granted)**

Request from Zachary Andrews, Trustee requesting to purchase a lot of city-owned property on Granite Street. **(Granted – Lays over to September 27, 2011).**

**OTHER BUSINESS.**

**REPORT ACCEPTED.**

**NEW BUSINESS:**

**Update on VNA – Market Street – Mr. Shawn Potter, Director of VNA updated Council Members.**

**Motion made by Councillor Cahill and seconded by Councillor Crowley to set down for Public Hearing a Home Rule Petition / Off-Street Parking Commission:**

Voted to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form to the bill, unless the City Council and the Mayor approve amendments to the bill before enactment by the General Court. The City Council and the Mayor are hereby authorized to approve amendments, which shall be within the scope of the general public objectives of this petition.

**SECTION 1.** Chapter 655 of the Acts of 1956 is hereby repealed in its entirety.

**SECTION 2.** Off-street parking facilities previously under the jurisdiction of the City of Lynn Off-Street Parking Commission shall now be under the jurisdiction of the City of Lynn.

**SECTION 3.** The Mayor, with approval of the Lynn City Council, acting alone or in cooperation with any federal, state, municipal or private agency, is hereby authorized to plan, design, locate, acquire property for, construct, alter, enlarge, use, maintain, operate, lease (either as lessee or lessor) public off-street parking facilities and to otherwise provide, or foster the provision of, commercial, co-operative, or special purpose off-street automobile parking facilities, whether and to the extent that it deems such facilities to be necessary or desirable in the City of Lynn

**SECTION 4.** The Mayor, with approval of the City Council, may sell, lease, exchange or otherwise dispose of property and property rights acquired under this act, if in so doing it deems that the interest of the City of Lynn will be best served.

**SECTION 5.** The Mayor, with approval of the Lynn City Council, is authorized to design and locate such off-street parking facilities as the public interest and the purposes of this act require. Such facilities may consist of lots, improved or unimproved, single or multilevel garages, other structures and accessories, or any combination thereof; provided, that no products used in or for the servicing of motor vehicles shall be sold or dispensed at or in connection with public off-street parking facilities; and provided further that such facilities shall be in strict compliance with the then existing zoning ordinances, building code, subdivision regulations, and police and fire regulations. Any facility so designed or located may be on the surface or above or below the surface.

**SECTION 6.** The City of Lynn may from time to time accept such portion of parking meter revenue as is properly allocated to it; provided that such funds shall be maintained by said City of Lynn as a separate account; and provided further that such funds shall be used only in strict conformance with the provisions of sections twenty-two B and C of chapter 40 of the General Laws.

SECTION 7. The City of Lynn is further authorized to contract with such firms and for such studies and surveys as it deems necessary to ensure the day-to-day operation of off-street parking facilities in the City of Lynn.

SECTION 8. The Treasurer's Office shall maintain proper accounting and financial records of all transactions, and provide annual financial statements to the Mayor and Lynn City Council.

SECTION 9. All unencumbered monies formerly held by the Off-Street Parking Commission shall be deposited into the general treasury of the City of Lynn.

SECTION 10. The land or parking facilities, acquired, constructed, maintained or operated under the provisions of this act shall be deemed to be so acquired, constructed, maintained and operated by the City of Lynn in its governmental capacity.

SECTION 11. If any section, provision or clause of this act shall be declared invalid or inapplicable to any person or circumstance, such invalidity or inapplicability shall not be construed to affect the portions not so held or persons or circumstances not so affected. All laws of portions of laws inconsistent with the policy and provisions of this act are hereby repealed to the extent of such inconsistency.

SECTION 12. This act shall take full effect upon its acceptance by the Mayor and the City Council, but not otherwise.

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

**10 YES 0 NO (Councillor Lozzi absent at vote).**

**Motion made by Councillor Ford 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**