

CITY OF LYNN

**Regular City Council Meeting, December 11, 2012
Council President Timothy Phelan Presiding**

**Ten Councillors Present (Councillor Cahill absent).
Moment of Silence.
Pledge of Allegiance.**

**Motion made by Councillor Colucci and seconded by Councillor Barton to accept the Meeting Minutes of November 13, 2012 and November 27, 2012.
Motion carried.**

COMMUNICATIONS:**Communication from Frederick B. Cronin, Collector of Taxes:**

Dear Councilors:

In accordance with the procedures established by the Massachusetts Ethics Commission, I am hereby notifying you that I intend to reappoint my brother Ralph W. Cronin, to the position of Deputy Tax Collector for the year 2013. I would expect that he would earn in excess of eighty thousand dollars (\$80,000) from which other deputy collector's supplies, postage and other expenses must be paid.

Pursuant to the Ethic Commission requirements I would be grateful if you would approve this appointment and notify me in writing that "my brother's financial interest in his position is not so substantial as to be deemed likely to affect the integrity of the services which the City may expect" from me should I make the appointment. Very truly yours,
Frederick B. Cronin, Jr.

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

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Council Appointments / Reappointments :

Fausto Cabera – Reappointment to the Pine Grove Cemetery Commission – Expires on September 11, 2013.

Motion made by Councillor Colucci and seconded by Councillor Ford to suspend the rules and reappoint Fausto Cabera to the Pine Grove Cemetery Commission, effective immediately and will expire on September 11, 2013.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Theresa Sheehan – Reappointment to the Pine Grove Cemetery Commission – Expires on September 11, 2013.

Motion made by Councillor Colucci and seconded by Councillor Ford to suspend the rules and reappoint Theresa Sheehan to the Pine Grove Cemetery Commission, effective immediately and will expire on September 11, 2013.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Manny Alcantara – to replace Jay Fink on the Pine Grove Cemetery Commission

Motion made by Councillor Colucci and seconded by Councillor Ford to suspend the rules and appoint Manny Alcantara to replace Jay Fink on the Pine Grove Cemetery Commission, effective immediately.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Manny Alcantara – to replace Jay Fink on the Traffic Commission

Motion made by Councillor Colucci and seconded by Councillor Ford to suspend the rules and appoint Manny Alcantara to replace Jay Fink on the Traffic Commission, effective immediately.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Christopher Rowe – Appointment to the Traffic Commission to replace Stephen Spencer – Appointed to October 24, 2014

Motion made by Councillor Colucci and seconded by Councillor Ford to suspend the rules and appoint Christopher Rowe to replace Stephen Spencer to the Traffic Commission, effective immediately and will expire on October 24, 2014.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Introduction of new Animal Control Officer (Keith Sheppard)

PUBLIC HEARINGS:

Public Hearing to make a determination on the percentages of the FY2013 tax levy to be borne by each class of real and personal property.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Colucci and seconded by Councillor Ford to set the Tax Rate with the lowest residential factor.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Public Hearing on the Abandonment of a Portion of Blossom and Alley Streets.
 Attorney Sam Vitali appeared in Favor.
 No one appeared in Opposition.
 Council President Phelan asked the Clerk to read in the records a letter from the Planning Board.

Public Hearing Closed.

Motion made by Councillor Capano and seconded by Councillor Colucci to grant.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Public Hearing relative to a burnt, dilapidated or dangerous building or other structure or vacant parcel of land located at 122-126 Marianna Street.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Cyr and seconded by Councillor Colucci to grant.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Petition of Perez Service & Repair, Eduardo Perez, for permission for Auto Repair Garage at 61 Commercial Street with Hours of Operation 7 am to 8 pm.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Capano and seconded by Councillor Lozzi to TABLE.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Petition of City Enterprises, Inc., P. Anthony Raccuia, for permission for a Laundromat at 597 Essex Street, 7 days 6 am – 12 am

Motion made by Councillor Colucci and seconded by Councillor Lozzi to accept the Letter of Withdrawal Without Prejudice.

Motion carried.

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Tony Tipico Inc., Osvaldo Salcedo, Petitioner, for permission for a Food Establishment with eat-in and take out with approximately 20 seats from 9-11 Monday – Sunday at 268-272 Essex Street. (Trahant)

-Petition of National Grid, Jason Dwyer, for permission to install 2-2" pvc conduit approximately 6 feet from Pole 17 to 149 Marianna Street for new underground service for house located at 149 Marianna Street. (Cyr)

-Petition of Taqueria Mexico Lindo, J. Manuel E. Cervantes, for permission for a Restaurant with Beer and Wine at 16 Market Street. (Crighton)

Motion made by Councillor Colucci and seconded by Councillor Ford to set down for Public Hearings.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councillor Cahill absent).

COMMITTEE REPORTS:

Report of the December 11, 2012 Committee on Renewable Energy recommending the following to be accepted:

1. Discussion with ISD Director re: An Energy Services Project
Motion made by Councillor Barton and seconded by Councillor Capano Ordering Her Honor the Mayor be authorized to execute a twenty (20) year contract with Trane USA to perform energy efficient projects pursuant to M.G.L. c 25A. (Lays over to December 18, 2012).
2. OTHER BUSINESS:
REPORT ACCEPTED.

Report of the December 11, 2012 Committee on Minor Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW)

Adames Jimenez, Jose, 30 Surfside Rd - **Tabled**

Legere, Kevin, 112 Loring Ave. #2 Salem - **Granted**

Phillips, Undreea, 103 Broad St. #507- **Granted**

Soluri, Anthony, 9 Hutchinson Court- **Granted**

TAXI OPERATORS – TABLED

Bourgeois, Paul 41 Rockway St. Peabody 30 day rev-tabled 11/13/2012 & 11/27/12 - **DENIED**

Crawford, David, 27 Cook St. 30 day rev tabled 11/27/12- **Granted**

DePena, Domingo, 384 Eastern Ave.-60 day rev-tabled 11/13/2012 & 11/27/12 - **DENIED**

Gilbert, Scott, 320 Cedarbrook Rd.-60 day rev-tabled 11/13/2012 & 11/27/12 - **DENIED**

TAXI OPERATORS- 30 DAY REVIEW

Doucette, Christopher, 64 Lowell St. 60 day review- **Granted**

LIVERY OPERATORS-TABLED

Vazquez, Irene, 37 Amity St. #3 60 day rev tabled 11/27/12 - **DENIED**

EXTENDED HOURS-PUBLIC HEARINGS-TO BE SET DOWN FOR JANUARYCVS PHARMACY, 102 Boston St. 24 hours- **Granted****OLD GOLD & SILVER-NEW**

11 Central Sq., Las 3 Virtudes

OLD GOLD & SILVER-RENEWAL

136 Boston St., Three G Rentals d/b/a Colortyme

810 Lynnway, Marcelino

2 Market St., Linda's Jewelers Inc.

PAWN BROKERS' RENEWAL

2 Market St., Linda Jewelers, Inc.

SECOND HAND ARTICLE – RENEWAL13 Boston St., Claire's Second Act- **Granted**156 Chestnut St., E.T. Communication- **Granted**810 Lynnway, Marcelino Jewelry- **Granted**2 Market St., Linda Jewelers, Inc- **Granted**693 Western Ave., S & M Treasure Chest & Collectibles- **Granted****CLASS II AUTO DEALER – AMENDMENT**361 Lynnway and 0 Blossom St. – Ron Costa's Auto World (0 Blossom St. for parking only) - **Granted***(Per Law Dept - The License Committee must decide if this is a suitable location) - Granted***FLAMMABLE LICENSE – NEW**0 Blossom St. – Ron Costa's Auto World (to park cars only for dealership located at 361 Lynnway) - **Granted****CLASS I AUTO DEALER – AUTO BODY – AUTO REPAIR – FLAMMABLE - RENEWAL**715 Lynnway – Pride Chevrolet, Inc. - **Granted****CLASS I AUTO DEALER – AUTO REPAIR-FLAMMABLE - RENEWAL**

164 Blossom St. – Jim McLaughlin's Lynnway Truck Center, Inc.

671 Lynnway – Atlantic Toyota Group, Inc. dba Atlantic Toyota dba Atlantic Scion

777-793 Lynnway – Pride Hyundai of Lynn, Inc. dba Pride Kia

CLASS II AUTO DEALER – AUTO BODY-AUTO REPAIR-FLAMMABLE RENEWAL

171 Commercial St. – Col-Craft, Inc.

847-853 Lynnway – Dependable Pre-Owned Autos, LLC (owes taxes, see letter from F. Cronin)

44 Marion St. – Mark A. King, Inc. dba Marion St. Auto Body

CLASS II AUTO DEALER - AUTO REPAIR-FLAMMABLE RENEWAL87A Rear Bennett St. – Bennett St. Auto Sales, Inc. - **Granted**164 Blossom St. – JEM Auto Sales, Inc. - **Granted**100 Central Ave. – Action Auto Sales, Inc. - **Granted**136 Cottage St. – Bay State Auto Service & Sales, LLC- **granted/send letter re: hours/late**119 Essex St. – Jerry's Auto Sales & Repair- **Granted**113A Fayette St. – A Starr Blanchard, LLC- **Granted**

315 Lynnway – 315 Lynnway, LLC dba Lynn Motor Sales (**owes taxes**) - **Granted**

361 Lynnway and 0 Blossom St. – Ron Costa’s Auto World (**0 Blossom St. for parking only**) - **Granted**

613 Lynnway – Lynnway Grand Prix, Inc. dba Lynnway Cycles - **Granted**

732 Lynnway – Coast Corp. dba Car Sales - **Granted**

837 Lynnway – Sunrise Auto, Inc. - **Granted**

1147R Western Ave. – Lynn Auto Service & Sales- **Granted**

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

RENEWAL

480 Lynnway – Harbor Auto Sales Co., Inc. - **Granted**

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the December 11, 2012 Committee on Finance recommending the following to be accepted:

Finance Committee:

Ordered that the City Comptroller be and is hereby authorized to take the following action:

Certify as an “Available Fund” the amount of Ninety Six Thousand Five Hundred Seventeen Dollars and Zero Cents (\$96,517.00) as allotted to the City of Lynn by the Institute of Museum and Library Services (IMLS) to fund a grant initiative for the 2013 IMLS Learning Labs in Libraries and Museums Grant. Grant Period is 1/1/13 to 6/30/14.

Councillor Colucci 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 Certify as an “Available Fund” the amount of Ninety Six Thousand Five Hundred Seventeen Dollars and Zero Cents (\$96,517.00) as allotted to the City of Lynn by the Institute of Museum and Library Services (IMLS) to fund a grant initiative for the 2013 IMLS Learning Labs in Libraries and Museums Grant. Grant Period is 1/1/13 to 6/30/14.

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).

Certify as an “Available Fund” the amount of Two Hundred Twenty Six Thousand Twenty Eight Dollars and Zero Cents (\$226,028.00) as allotted to the City of Lynn by the

Department of Education to fund a grant initiative from the INCLUSIVE PRESCHOOL CLASSROOM Grant. Grant Period is 7/1/12 to 6/30/13.

Councillor Colucci 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 Certify as an "Available Fund" the amount of Two Hundred Twenty Six Thousand Twenty Eight Dollars and Zero Cents (\$226,028.00) as allotted to the City of Lynn by the Department of Education to fund a grant initiative from the INCLUSIVE PRESCHOOL CLASSROOM Grant. Grant Period is 7/1/12 to 6/30/13.

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).

Certify as an "Available Fund" the amount of One Hundred Five Thousand Two Hundred Forty Three Dollars and Zero Cents (\$105,243.00) as allotted to the City of Lynn by the Department of Education to fund a grant initiative for the EARLY CHILDHOOD SPECIAL EDUCATION ALLOCATION Grant. Grant Period is 9/1/12 to 8/31/13.

Councillor Colucci 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 Certify as an "Available Fund" the amount of One Hundred Five Thousand Two Hundred Forty Three Dollars and Zero Cents (\$105,243.00) as allotted to the City of Lynn by the Department of Education to fund a grant initiative for the EARLY CHILDHOOD SPECIAL EDUCATION ALLOCATION Grant. Grant Period is 9/1/12 to 8/31/13.

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).

Certify as an "Available Fund" the amount of Fifty Four Thousand Two Hundred Dollars and Zero Cents (\$54,200.00) as allotted to the City of Lynn by the Department of Education to fund a grant initiative for the LITERACY PARTNERSHIP Grant. Grant Period is 10/4/12 to 6/30/13.

Councillor Colucci 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 Certify as an "Available Fund" the amount of Fifty Four Thousand Two Hundred Dollars and Zero Cents (\$54,200.00) as allotted to the City of Lynn by the Department of Education to fund a grant initiative for the LITERACY PARTNERSHIP Grant. Grant Period is 10/4/12 to 6/30/13.

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).

Certify as an "Available Fund" the amount of Five Million Nine Hundred Fifty Thousand Four Hundred Thirty Two Dollars and Zero Cents (\$5,955,432.00) as allotted to the City of Lynn by the Department of Education to fund a grant initiative for the TITLE 1 Grant. Grant Period is 7/1/12 to 6/30/13.

Councillor Colucci 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 Certify as an "Available Fund" the amount of Five Million Nine Hundred Fifty Thousand Four Hundred Thirty Two Dollars and Zero Cents (\$5,955,432.00) as allotted to the City of Lynn by the Department of Education to fund a grant initiative for the TITLE 1 Grant. Grant Period is 7/1/12 to 6/30/13.

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).

Certify as an "Available Fund" the amount of Three Million Five Hundred Ninety Nine Thousand Seven Hundred Seventy Five Dollars and Zero Cents (\$3,599,775.00) as allotted to the City of Lynn by Department of Education to fund a grant initiative from the SPED 94 Allocation Grant Funding Round Two. Grant period is 9/1/12 to 8/31/13.

Councillor Colucci 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 Certify as an "Available Fund" the amount of Three Million Five Hundred Ninety Nine Thousand Seven Hundred Seventy Five Dollars and Zero Cents (\$3,599,775.00) as allotted to the City of Lynn by Department of Education to fund a grant initiative from the SPED 94 Allocation Grant Funding Round Two. Grant period is 9/1/12 to 8/31/13.

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 City Comptroller be and is hereby authorized to make the following transfer:

From the Account of Solicitor's Legal Expense:

To the Account of Solicitor's Prior Years Bills: \$1,540.00

Councillor Colucci 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 Solicitor's Legal Expense to the Account of Solicitor's Prior Year Bills in the amount of \$1,540.00.

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).

From the Account of Reserve Fund:

To the DPW OT Account and DPW Highway Expense: \$62,158.25

Councillor Colucci 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 Financial Transfer from the Account of Reserve Fund to the DPW OT Account and DPW Highway Expense in the amount of \$62,158.25.

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 City Comptroller be and is hereby authorized to appropriate from FREE CASH the sum of FOUR MILLION SEVEN HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$4,700,000.00) to reduce the FY2013 Tax Levy.

Councillor Colucci 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 Comptroller be and is hereby authorized to appropriate from FREE CASH the sum of FOUR MILLION SEVEN HUNDRED THOUSAND DOLLARS AND ZERO CENTS (\$4,700,000.00) to reduce the FY2013 Tax Levy. 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).

NEW BUSINESS:

Discussion with Dan Cameron from National Grid.

Discussion with Bob Dawe from Corviello Electric.

Discussion with Stanley Usovicz and Kathy Reed from Verizon.

Discussion with Jane Lyman from Comcast.

Motion made by Councillor Colucci and seconded by Councillor Barton to adjourn.

Motion carried.

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