

**CITY OF LYNN**

**Regular City Council Meeting, April 10, 2012  
Council President Timothy Phelan Presiding**

**Ten Councillors Present (Councillor Cyr absent)**

**Moment of Silence.**

**Pledge of Allegiance.**

**Council President informed the Council that Councillor Cyr would not be present at the meeting as he had surgery earlier in the day.**

**Motion made by Councillor Barton and seconded by Councillor Trahant to suspend the rules to present plaques to the St. Mary's Basketball Team in recognition of "Division 4 State Champions".**

**Motion carried.**

**COMMUNICATIONS:**

Donald Walker, Office of Economic & Community Development:

Dear Councilor Phelan: On behalf of the Office of Economic and Community Development and the Lynn Housing Authority and Neighborhood Development, I am requesting that you schedule a Public Hearing with the Lynn City Council on Tuesday, May 22, 2012. The purpose of this Hearing is to allow public input to the City's Annual Action Plan, including the use of the Department of Housing and Urban Development's (HUD) appropriations for the Community Development Block Grant (52,202,040), Emergency Solutions Grant (\$199,229), HOME (\$601,805) and Housing Opportunities for Persons with Aids (\$359,748) Programs. Upon confirmation of this Hearing date, our office will prepare a legal notice that will be advertised in the Daily Evening Item at least two weeks prior to the Hearing date. We appreciate your assistance on our behalf. If you have any questions regarding this request, please contact me at Extension 6778. Sincerely, Donald Walker Director of Project Operations

**Motion made by Councilor Colucci and seconded by Councilor Barton to set down for Public Hearing on May 22, 2012.**

**Motion carried.**

## **PUBLIC HEARINGS:**

Petition of Office of Economic & Community Development, James Marsh, for permission to place banners on decorative light poles in three locations of the City. The following appeared in Favor:

Mike Murray, Office of Economic and Community Development

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Colucci and seconded by Councillor Capano to grant the prayer of the Petitioner.**

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

**10 YES 0 NO (Councillor Cyr absent).**

**Amendment by Councillor Cahill and seconded by Councillor Capano to add a stipulation that banners be used for auditorium purposes.**

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

**10 YES 0 NO (Councillor Cyr absent).**

Petition of D'Amici Bakery, Joseph Toretta, for permission for a Food Establishment with Retail Store 7-5 M-F, Production 7 days at 41 Sutton Street.

The following appeared in favor:

Attorney Same Vitali, Lynn

Calvin Anderson, Lynn

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Crighton and seconded by Councillor Cahill to grant the prayer of the Petitioner.**

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

**10 YES 0 NO (Councillor Cyr absent).**

Petition of Sara's, Sara E. Ago, for permission to sell food from a canteen style vehicle on Magnolia Avenue Sunday through Friday, from 9:00 a.m. – 5:00 p.m.

**Motion made by Councillor Lozzi and seconded by Councillor Trahan to accept the Letter of Withdrawal Without Prejudice and to return the application fee less the advertising costs.**

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

**10 YES 0 NO (Councillor Cyr absent).**

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

-Petition of Seattle Lobster Company, Colin Reid, for permission for the packing of live lobster for shipment out of Logan Airport at 271 Western Avenue (211c). (Lozzi)

- Petition of Lynn Auditorium, James Marsh, Community Development, for permission for Wine & Malt Beverage License at 3 City Hall Square. (Crighton)
- Petition of BSJ Auto Center, Cesar Felix Vidal, for permission for auto repair w/Flammables at 22-28 Oakville Street from 8 a.m – 8 p.m.. (Capano)
- Petition of Fiesta Shows, Eugene J. Dean, for permission for a Carnival Fundraiser for 4<sup>th</sup> of July Fireworks at Keaney Park @ Lynn English on Fri-July 6 through Sun July 8, with set up on July 5, 2012.
- Petition of Lynnway Auto Sales, Richard Aswad, Trustee, for permission for Sales room for motor vehicles and Auto repair/body shop with flammable. at 461 Broad Street & Pleasant Street.
- Petition of Lynnway Auto Exchange, LLC James Lamb, George Russo, Robert Brest, for permission for a Class II Dealers License to sell second hand motor vehicles with auto repair and flammables at 270 South Common Street. (Capano)
- Petition of Tacos Martinez, Rafael Martinez for a Catering Truck to be parked in lot only at 810 Lynnway. (Building 19)
- Petition of Albert Kemperle, Inc., Brian Gear, for permission for a sign permit at 1073R Western Avenue.
- Petition of Neighborhood Development Associates, Inc., Oliver Toomey, Clerk, for permission for allow the construction of four single family dwellings in a business district (Lesser use) at Summer and Morris Street.

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

**Motion carried.**

## **UNFINISHED BUSINESS:**

### **Finance Committee Meeting of March 27, 2012:**

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

From the Account of Police Expense:

To the Account of Unpaid Bills of Prior Years: \$41,712.60

**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 Cyr absent).**

From the Account of Fire Department Expense:

To the Account of Unpaid Bills of Prior Years: \$666.40

**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 Cyr absent).**

From the Account of Election Precinct Officer Expense:

To the Account of City Clerk Expense: \$14,500.00

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

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

**10 YES 0 NO (Councillor Cyr absent).**

## **COMMITTEE REPORTS:**

### **Report of the April 10, 2012 Committee on Ways and Means recommending the following to be accepted:**

Ordered that the Mayor be hereby authorized to execute all necessary documents, agreements, applications and contracts for the purpose of securing grants from the Massachusetts Department of Environmental Protection.

**Councillor Trahant 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 Order that the Mayor be hereby authorized to execute all necessary documents, agreements, applications and contracts for the purpose of securing grants from the Massachusetts Department of Environmental Protection.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following ye and nay vote:**

**10 YES 0 NO (Councillor Cyr absent).**

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

**10 YES 0 NO (Councillor Cyr absent).**

**Report Accepted.**

### **Report of the April 10, 2012 Committee on Minor Licenses recommending the following to be accepted:**

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

Abdekarim, Mohamed 124 Green St. - **Granted**

Aquino, Cesar E. 9 Deer Park #2- **Granted**

David, Janey E. 209 Curwin Circle - **Tabled**

Piscia, Gregory 11 Beach Rd.-60 Day Review-tabled 3/27/12 - **Tabled**

Rodriguez, Manuel R. 27 Ridgeway St tabled 3/27/12- **Granted**

Sacco, Michael 39 Cottage St.-60 day review- **Granted**

**EXTENDED HOURS-P.H. TO BE SET DOWN FOR MAY 8, 2012**Paaastelitos, 112 Union Street-7am-2 am 7days- **Granted****PUBLIC HEARING EXTENDED HOURS**A Plus Pizzeria, 120 Broad St. 9 am-2 am 7 days- **Granted****JUNK DEALER'S -RENEWAL**225 Commercial St., Turner Inc. - **Granted****SIGN LICENSE- RENEWAL**229 Broadway, Richdale Food Shop- **Granted**145 Franklin St., Cotui Barber Shop - **Granted**28 Oakville St., This Total Group- **Granted**232 Union St., Lynn Dental Center- **Granted**818 Western Ave., Global Insurance- **Granted****BOWLING ALLEY-RENEWAL**73 Buffum St., Lucky Strike Recreation, Inc. - **Granted****COIN OPERATED DEVICES – NEW**

408 Summer St. – El Pulgarsito Restaurante – 1 Class III

**CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE –ADDING ADDITIONAL OWNER**75 Boston St. – Boston St. Auto Sales – (adding George Carroll as co-owner) - **Granted****AUTO REPAIR/FLAMMABLE – NEW**122 Boston St. – S and H Auto Service (CORI – OPEN CASES) – **Granted**  
w/30-60- 90 Day Review375 Summer St. - P & P Peru Tires, Inc. - **Granted****AUTO BODY/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**19 Alley St. – Spina's Auto Body- **Granted**46 Bennett St. – Polo Auto Body- **Granted**135 Pleasant St. – Pudgy's Towing and Auto Repair, Inc. - **Granted****AUTO REPAIR/FLAMMABLE LICENSE - RENEWAL**15 Avon St. – John's Fuel Service Inc. - **Granted**47 Bennett St. – B Auto Repair- **Granted**84 Bennett St. – Joselo Auto Repair- **Granted**47 Boston St. – Happy Valley Automotive- **Granted**760 Summer St. – J & L Fuel Service, Inc. - **Granted**1071R Western Ave. – Ana Auto Repair- **Granted****FLAMMABLE LICENSE – RENEWAL**229 Broadway – Richdale - **Granted**180 Commercial St. – Lynn Lumber- **Granted**225 Commercial St. – Turner Inc. - **Granted**154 Lynnway – City of Lynn Seaport Landing Marina- **Granted**282 Lynnway – U-Haul Co. of Boston- **Granted**

87 Marion St. – Demakes Enterprises, Inc. - **Granted**

638 Summer St. – C.L. Hawthaway & Sons, Corp. - **Granted**

510 Washington St. – Michael Russo Plumbing & Heating Co., Inc. - **Granted**

37 Waterhill St. – Demakes Enterprises, Inc. - **Granted**

2 Western Ave. – Dom’s Oil Co. - **Granted**

**OTHER BUSINESS:**

Complaint from Officer Chadbourne regarding cab driver Joseph Bingham. **Motion to suspend license effective immediately and request Mr. Bingham to attend the April 24,2012 meeting.**

**Motion carried.**

**REPORT ACCEPTED.**

**Report of the April 10, 2012 Committee on Public Property recommending the following to be accepted:**

**ORDERED** that the City of Lynn accept a Deed for the property located at 38 Rockaway Street from the Bank of New York and/or Bank of America provided that prior to the transfer Ms. Wendy Joseph and Mr. Stefan Wuensch execute an agreement with the City of Lynn with substantially the following terms as approved by the City Solicitor’s Office:

1. Ms. Wendy Joseph and Mr. Stefan Wuensch agree to submit a bid upon the property when the City of Lynn places the property out to bid and/or seeks Requests for Proposals.
2. The Bids or Requests for Proposals will require the successful bidder to demolish the property at 38 Rockaway within five years of the transfer.
3. Te Requests for Proposals will be limited to direct abutters of 38 Rockaway Street.
4. The Bid or Requests for Proposal will require the successful bidder to remain current on al taxes for 38 Rockaway Street at all times prior to the demolition of the property.
5. In the event that the successful bidder does not demolish the building at 38 Rockaway within five years of the date of transfer, the property immediately reverts back to the City of Lynn and the successful bidder is obligated at their own expense to reconnect all gas, water and sewer utilities to 38 Rockaway through an Easement of Necessity s established by a Judicial order of Judge Robert Cornetta in a civil action Bank of New York Mellon v. The City of Lynn, Essex Superior Court Civil Action No: 2011-729B
6. In the event that the successful bidder does not remain current with his/her municipal property taxes for 38 Rockaway Street, the property immediately reverts back to the City of Lynn and the successful bidder is obligated at

their own expense to reconnect all gas, water and sewer utilities to 38 Rockaway through an Easement of Necessity s established by a Judicial order of Judge Robert Cornetta in a civil action Bank of New York Mellon v. The City of Lynn, Essex Superior Court Civil Action No: 2011-729B

7. The successful bidder is obligated to pay all costs and attorneys' fees incurred by the City of Lynn if it is required to enforce any provisions of the terms of Requests for Proposals and Deed prepared by the City of Lynn Solicitor's Office.
8. The successful bidder shall maintain the property in compliance all state and municipal codes or ordinances.
9. Following the demolition of the building at 38 Rockaway Street, the property is restricted to be used only for landscaping and parking. **(Lays over to April 24, 2012).**

**REPORT ACCEPTED.**

**Report of the April 10, 2012 Committee on Finance recommending the following to be accepted:**

Ordered that the City Council Order dated October 25, 2011, authorizing the City Comptroller to make a transfer from the Account of FEMA January Snowstorm, Three Hundred Five Thousand Fifty Nine Dollars and Zero Cents to the Account of DPW Snow and Ice Expense be hereby rescinded.

**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 Council Order dated October 25, 2011, authorizing the City Comptroller to make a transfer from the Account of FEMA January Snowstorm, Three Hundred Five Thousand Fifty Nine Dollars and Zero Cents to the Account of DPW Snow and Ice Expense be hereby rescinded.**

**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 Cyr absent).**

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

**10 YES 0 NO (Councillor Cyr absent).**

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 Unpaid Bills of Prior Years: \$3,708.00

**(Lays over to April 24, 2012).**

**NEW BUSINESS:****IN THE YEAR TWO THOUSAND TWELVE A RESOLUTION IN SUPPORT OF THE MASSACHUSETTS PERSONAL CARE ATTENDANT PROGRAM**

- WHEREAS:** The Personal Care Attendant (PCA) program is a central piece of the Massachusetts long term care system wherein PCAs offer skillful assistance with “activities of daily living” that allow more than 20,000 Massachusetts residents to live independent lives at home; and
- WHEREAS:** The PCA program is already both the most popular and cost-efficient state long term care program and is also ideally positioned to play a crucial role in future efforts to increase primary care services, implement new coordinated care systems, and control overall health care costs; and
- WHEREAS:** The PCA program infuses over \$400 million in state dollars in to local Massachusetts communities, where this funding has a tremendous positive impact on the local economy and provides quality jobs to over 30,000 PCAs throughout the state; and
- WHEREAS:** The PCA program employs more than 350 individuals residing in the city of Lynn, which brings more than \$3.9 million in state dollars to the community; and
- WHEREAS:** 1199SEIU United Healthcare Workers East, the state Administration and the PCA Quality Home Care Workforce Council are committed to ensuring that PCA program consumers are efficiently provided the highest possible quality of health care and that consumers of, their surrogates, and the PCA workforce are treated with the highest degree of dignity and respect; and
- WHEREAS:** The purpose of organizing the PCA workforce and negotiating a collective bargaining agreement is to promote quality jobs for Personal Care Attendants and harmonious, respectful relations between the parties in their pursuit of these shared commitments; and
- RESOLVED:** The Lynn City Council strongly supports the Massachusetts PCA program and the organized PCA workforce; and respectfully urges the state Administration and the PCA Quality Home Care Workforce Council

to negotiate in good faith for a new collective bargaining agreement that benefits the PCA program, workforce and consumers.

**Motion made by Councillor Capano and seconded by Councillor Net to suspend the rules and allow Mariza Perez to speak on the Resolution.**

**Motion carried.**

**Motion made by Councillor Capano and seconded by Councillor Trahant to grant.**

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

**10 YES 0 NO (Councillor Cyr absent).**

**Motion made by Councillor Barton and seconded by Councillor Net 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**