

CITY OF LYNN

Regular City Council Meeting, October 8, 2013
Council President Timothy Phelan Presiding

Eleven Councillors Present
Moment of Silence.
Pledge of Allegiance.

Motion made by Councillor Colucci and seconded by Councillor Capano to accept the Meeting Minutes of September 10, 2013 and September 24, 2013.
Motion carried.

PUBLIC HEARINGS:

Petition of Rincon Macorisano, Basilio Encarnacion, for permission to add a full Liquor License "All Alcohol" to an existing restaurant with a current Beer and Wine License at 350 Washington Street.

The following appeared in Favor:

Basilio Encarnacion

No one appeared in Opposition.

Public Hearing Closed

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Lightower Fiber Networks, for permission to install approximately 385 linear feet of (1) 4" SCH40 PVC concrete enclosed conduit, starting at National Grid's MH17 and connecting to National Grid's MH16, also to National Grid's MH15 and another conduit from there to 170 South Common Street.

The following appeared in Favor:

Chris Kramers, Lightower Fiber Networks

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay:

11 YES 0 NO

Public Hearing relative to a burnt, dilapidated or dangerous building or other structure or vacant parcel of land located at 28 Bay View Avenue.

No one appeared in Favor.

The following appeared in Opposition:

Katrina Koudanis, Lynn Historical Commission

Calvin Anderson, Lynn Historical Commission

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of A-1 Crystal Clean Services, Michael Silveira and Desiree Silveira, for permission for an Auto Detailing Business at 1073 Western Avenue, M-F 8am-7pm, Sat. 8am-5pm and Sun. 8am-2pm. (Capano)

-Petition of Comcast, for permission to place (1) 3" pvc conduit 50' +/- in a southwesterly direction and then 6' +/- in an easterly direction to property of 888 Western Avenue. (Capano)

-Petition of Ernie's Harvest Time, Ernie Fratangelo, for permission for a sign permit at 597 Essex Street. (Crighton)

-Petition of Ernesto Auto Body and Repair, Alejandro E. Perez, for permission to add Auto body to existing Auto Repair at 129 Commercial Street. (Capano)

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

UNFINISHED BUSINESS:

Motion made by Councillor Capano and seconded by Councillor Colucci to remove from the Table the Petition of Tatiana's Auto Body, Pedro Patricio for permission to add an Auto Rental Business to existing Auto Body Business at 46 Bennett Street and to grant the prayer of the Petitioner with the following stipulations: No working on vehicles on street and sidewalks; and no vehicles to be parked on street and sidewalks.

Motion carried by the following yea and nay vote:

11 YES 0 NO

COMMITTEE REPORTS:

Report of the October 8, 2013 Committee on Ways and Means recommending the following to be accepted:

Ordered that the City of Lynn and the City of Lynn Park Commission is hereby authorized to advertise a Request for Proposals for the management and operation of the Gannon Municipal Golf Course and Associated Restaurant and Banquet Facility for a period of sixty-one months. Further Ordered that the City of Lynn, through its Mayor and Park Commission may execute a sixty-one month lease agreement for the management and operation of the Gannon Municipal Golf Course and Associated Restaurant and Banquet Facility.

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

Motion carried by the following yea and nay vote:

9 YES 2 NO (Councillor Cyr and Councillor Ford voting NO).

Recommends that the Lynn School Committee establish a policy that all unopened unused school lunches and milk containers be donated to local food banks to help feed and nourish those in need.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

REPORT ACCEPTED.

Report of the October 8, 2013 Committee on Public Safety recommending the following to be accepted:

The following individual was appointed Constable:

Wilberto Mejias, 86 Lowell Street, Methuen – **Granted**

REPORT ACCEPTED.

Report of the October 8, 2013 Committee on Minor Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW)

Blackwell, Taiwan. 65 McLellan St # 2. Dorchester, MA (**Temporary Lic issued 9/10/2013**) - **DENIED**

Bradford, William. 40 Fairview Ave. Swampscott, MA - **Granted**

Bruno, Ramon. 138 Franklin St # 7 - **Tabled**

Exama, Jones. 135 Lawton Ave # 1 - **Granted**

TAXI OPERATORS-30 DAY REVIEW

Doucette, Daniel. 64 Lowell St. - **Tabled**

LIVERY SERVICE NEW- MC TRANSPORTATION LLC AND OPERATOR

MC Transportation LLC. 80 Starrett Rd. Lynn, MA Owner: Michael Paul Wilson.- **Granted**

Wilson, Michael Paul. 80 Starrett Rd. Lynn, MA. Driver for New Livery

MC – Transportation - **Granted**

LIVERY OPERATORS-NEW

Booker, Sharnetta. 378 Summer St # 1.- **Granted**

Ripley, Christian. 42 Joyce St # F.- **Granted**

DOOR TO DOOR SALES

Castle Marketing, 400 W. Cummings Park, Suite 1200, Woburn, MA - **DENIED**

Tekos Missions, P.O. BOX 205, Antrim, NH - **DENIED**

SECOND HAND LICENSE-NEW

800-810 Lynnway, Let's Make A Deal - **Tabled**

857 Western Ave., Phnom Penh Jewelry.- **Granted**

SIGN LICENSE-NEW

254 Chatham St., A Tu Estilio Iris Beauty Salon.- **Granted**

SIGN LICENSE –RENEWAL

159 Broad St., Congress Insurance.- **Granted**

338 Broadway, Rolly's Tavern On The Square.- **Granted**

100 Chestnut St., Kuky's Hair Design.- **Granted**

234 Chestnut St., Flemings Towing.- **Granted**

6-12 Commercial St., M.C. Heald Liquor Store.- **Granted**

99 Essex St., Essex Market - **Tabled**

26 Joyce St., Full Color.- **Granted**

535 Lynnway, Nouria Energy Corp. .- **Granted**

144 Washington St., Del Patio Barbershop.- **Granted**

AUTO REPAIR/FLAMMABLE – RENEWAL

375 Summer St – P & P Peru Tire.- **Granted**

OTHER BUSINESS

People's Choice (**30 Day Review**) – **Motion to continue 1 AM Closing for 30 Days. REPORT ACCEPTED.**

Report of the October 8, 2013 Committee on Public Property recommending the following to be accepted:

Ordered that the City owned property at Boston Street, Parcel 054-319-023 be conveyed to Peter Skrimizeas Realty Trust, 383 Boston Street, in consideration of \$6,100.00 with the stipulation that parcel be used for parking and/or landscaping only.

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 Ordered that the City owned property at Boston Street, Parcel 054-319-023 be conveyed to Peter Skrimizeas Realty Trust, 383 Boston Street, in consideration of \$6,100.00 with the stipulation that parcel be used for parking and/or landscaping only.

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

Ordered that the City owned property at 35 Cedar Street, Parcel 054-211-030 be conveyed to Ryan L. Nevidomsky, 43 Cedar Street, in consideration of \$4,000.00 with the stipulation that parcel be used for parking and/or landscaping only.

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 Ordered that the City owned property at 35 Cedar Street, Parcel 054-211-030 be conveyed to Ryan L. Nevidomsky, 43 Cedar Street, in consideration of \$4,000.00 with the stipulation that parcel be used for parking and/or landscaping only.

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

Ordered that the City of Lynn formally requests an easement from the Lynn Housing Authority for the purpose of expanding and improving the Wyoma Square Municipal Parking Lot. Further ordered that her Honor the Mayor shall have the authority to execute all documents necessary for the City of Lynn to acquire the easement from the Lynn Housing Authority with the approval of the Massachusetts Department of Housing and Community Development.

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 Ordered that the City of Lynn formally requests an easement from the Lynn Housing Authority for the purpose of expanding and improving the Wyoma Square Municipal Parking Lot. Further ordered that her Honor the Mayor shall have the authority to execute all documents necessary for the City of Lynn to acquire the

easement from the Lynn Housing Authority with the approval of the Massachusetts Department of Housing and Community Development.

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

REPORT ACCEPTED.

Report of the October 8, 2013 Committee on Finance recommending the following to be accepted:

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

Certify as an "Available Fund" the amount of One Million One Hundred Eighty Nine Thousand Two Hundred Fifty Nine Dollars and Zero Cents (\$1,189,259.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for Title IIA Ed Quality Program.

Grant Period 10/1/13-6/30/14

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 financial order certifying as an "Available Fund" the amount of One Million One Hundred Eighty Nine Thousand Two Hundred Fifty Nine Dollars and Zero Cents (\$1,189,259.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for Title IIA Ed Quality Program.

Grant Period 10/1/13-6/30/14

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:

11 YES 0 NO

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

11 YES 0 NO

Certify as an "Available Fund" the amount of Twenty Two Thousand Four Hundred Forty One Dollars and Zero Cents (\$22,441.00) as allotted to the City of Lynn School

Department by the Department of Elementary and Secondary Education (DESE) for RTTT Project 4.2 Evidence Based Early Literacy Grant. Grant Period 7/1/13 – 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 a financial order certifying as an “Available Fund” the amount of Twenty Two Thousand Four Hundred Forty One Dollars and Zero Cents (\$22,441.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for RTTT Project 4.2 Evidence Based Early Literacy Grant. Grant Period 7/1/13 – 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:

11 YES 0 NO

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

11 YES 0 NO

Certify as an “Available Fund” the amount of Two Hundred Eighty Six Thousand One Hundred Five Dollars and Zero Cents (\$286,105.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for 237 Coordinated Family and Community Engagement Grant.

Grant Period 7/1/13 – 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 a financial order certifying as an “Available Fund” the amount of Two Hundred Eighty Six Thousand One Hundred Five Dollars and Zero Cents (\$286,105.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for 237 Coordinated Family and Community Engagement Grant.

Grant Period 7/1/13 – 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:

11 YES 0 NO

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

11 YES 0 NO

Transfer the sum of One Thousand Five Hundred Dollars and Zero Cents (\$1,500.00) from the Reserve Account to the Account of Comptroller Payroll.

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 Reserve Account o the Account of Comptroller Payroll in the amount of \$1,500.00.

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:

11 YES 0 NO

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

11 YES 0 NO

Transfer the sum of Fifteen Thousand Sixty Eight Dollars and Zero Cents (\$15,068.00) From the Reserve Account, \$3000.00 to Precinct Payroll, \$6400.00 to Printed Ballots and \$5668.00 to Outside Professional.

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 Reserve Account in the amount of \$15,068.00 (\$3,000.00 to Precinct Payroll; \$6,400.00 to Printed Ballots and \$5,668.00 to Outside Professional).

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

NEW BUSINESS:

Investigation of removal of City Council computer. **Mr. Weeks did not appear.**

Ordered that the Law Department take all necessary action to enforce the subpoena for Mr. Kenneth Weeks to appear before the Lynn City Council on October 22, 2013.

Councillor Cyr 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 Law Department take all necessary action to enforce the subpoena for Mr. Kenneth Weeks to appear before the Lynn City Council on October 22, 2013.

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

Motion made by Councillor Cyr 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