

CITY OF LYNN

**Regular City Council Meeting, February 26, 2013
Council President Timothy Phelan Presiding**

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

PUBLIC HEARINGS:

Public Hearing relative to a burnt, dilapidated or dangerous building or other structure located at 50 Estes Street 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 spoke in Favor.

No one spoke in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

UNFINISHED BUSINESS:

Motion made by Councillor Capano and seconded by Councillor Cyr to remove from the Table the Petition of Perez Service & Repair, Eduardo Perez, for permission for Auto Repair Garage at 61 Commercial Street with Hours of Operation 7am to 8pm. Motion carried.

Motion made by Councillor Capano and seconded by Councillor Cyr to return the filing fee to the Petitioner as the petition is not in the right venue and the Petitioner has already gone before the Board of Appeals.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councillor Cyr and seconded by Councillor Trahan to remove from the Table the Petition of National Grid, Jason Dwyer, for permission to install approximately 10' of 2-4" PVC conduit from MH20 to property line of 219-229 Lewis Street.

Motion carried.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

COMMITTEE REPORTS:

Report of the February 26, 2013 Committee on Ordinance recommending the following to be accepted:

1. Discussion re: A Proposed Ordinance Amending the Ordinance Regulating Public Safety Within Convenience Stores in the City of Lynn. (BARTON) (Set Down for Public Hearing on March 26, 2013)

2. Discussion re: A Proposed Ordinance Establishing a Senior Citizen Property Tax Work-Off Abatement. (Set Down for Public Hearing On March 26, 2013).

REPORT ACCEPTED.

Report of the February 26, 2013 Committee on Minor Licenses recommending the following to be accepted.

TAXI OPERATORS (NEW)

Causey, Ray, 16 Glenwood Rd. - **Tabled**

Hernandez, Gladys, 25 Magner Rd. - **Granted**

Moulaycherif, Moulaye. 42 West Baltimore St #26 - **Granted**

Noel, Athanase, 35 Fear Ave.- **Granted**

Ortiz, Debora, 84 Light St.- **Tabled**

Sanon. Emmanuel, 199 Allen Ave # 2.- **Granted**

TAXI OPERATORS- 30 DAY REVIEW

Soriano, Jose Rafael, 67 Franklin St. #1 - **Granted**

SECOND HAND ARTICLE – NEW

315 Chestnut St., Black Diamond Pawn, LLC – **Tabled Per Request from LPD**

506 Lynnway, Lynnway Tools & Collectibles– **Tabled Per Request from LPD**

810 Lynnway, We Buy Gold 24 (tabled Feb 26, 2013) – **Tabled Per Request from LPD**

OLD GOLD & SILVER – NEW

315 Chestnut St, Black Diamond Pawn, LLC– **Tabled Per Request from LPD**

506 Lynnway, Lynnway Tools & Collectibles– **Tabled Per Request from LPD**

810 Lynnway, We Buy Gold 24 (tabled Feb 26, 2013) – **Tabled Per Request from LPD**
PAWN BROKER – NEW

315 Chestnut St., Black Diamond Pawn, LLC– **Tabled Per Request from LPD**

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the February 26, 2013 Committee on Public Property recommending the following to be accepted:

Discussion with ISD Director re: Installing Solar Panels on the Proposed New Roof at Lynn Tech. - **Motion to recommend that the Mayor, Lynn School Committee and ISD Director explore the feasibility of solar panels on the Lynn Tech roof. Furthermore, request the ISD Director to obtain prices.**

REPORT ACCEPTED.

Report of the February 26, 2013 Committee Finance recommending the following to be accepted:

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

From the Account of Fire/Hospital and Clinic Expense

To the Account of Unpaid Bills of prior years \$147.42

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 Fire/Hospital and Clinic Expense to the Account of Unpaid Bills of Prior Years in the amount of \$147.42.

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

From the Account of Reserve Fund

To the Account of Seaport Marina/Otherwise Unclassified \$50,000.00

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 Reserve Fund to the Account of Seaport Marina/Otherwise Unclassified in the amount of \$50,000.00.

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

From the Account of Reserve Fund	\$53,578.46	
To the Account of Fire Dept. Payroll		\$32,078.46
To the Account of DPW Payroll		\$21,500.00

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 Reserve Fund (\$53,578.46) to the Account of Fire Department Payroll in the amount of \$32,078.46 and to the Account of DPW Payroll in the amount of \$21,500.00.

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

From the Account of Reserve Fund		
To the Account of Thurgood Marshall/Outside Professional		\$30,000.00

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 Reserve to the Account of Thurgood Marshall/outside Professional in the amount of \$30,000.00.

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

Ordered that the City Comptroller be and is hereby authorized to appropriate from Free Cash the sum of One Million Six Hundred Ten Thousand Dollars and Zero Cents (\$1,610,000.00) to eliminate the deficit in net school spending in FY12 realized in FY13.

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 that the City Comptroller be and is hereby authorized to appropriate from Free Cash the sum of One Million Six Hundred Ten Thousand Dollars and Zero Cents (\$1,610,000.00) to eliminate the deficit in net school spending in FY12 realized in FY13.

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 Four Hundred Thousand Dollars and Zero Cents (\$400,000.00) as allotted to the City of Lynn Community Development by the Executive Office of Energy and Environmental Affairs (ENV) to fund a grant initiative to fund the PARC #28 Grant. Grant period is 1/29/13 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 a Financial Transfer certifying as an "Available Fund" the amount of Four Hundred Thousand Dollars and Zero Cents (\$400,000.00) as allotted to the City of Lynn Community Development by the Executive Office of Energy and Environmental Affairs (ENV) to fund a grant initiative to fund the PARC #28 Grant. Grant period is 1/29/13 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:

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 One Hundred and Two Thousand Five Hundred Twenty Dollars and Zero Cents (\$102,520.00) as allotted to the City of Lynn School Department by the Massachusetts Department of Education (DOE). These funds are designated for the SPED 274 Grant. Grant Period is 2/14/13 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 a Financial Transfer certifying as an "Available Fund" the amount of One Hundred and Two Thousand Five Hundred Twenty Dollars and Zero Cents (\$102,520.00) as allotted to the City of Lynn School Department by the Massachusetts Department of Education (DOE). These funds are designated for the SPED 274 Grant. Grant Period is 2/14/13 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:

11 YES 0 NO

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

11 YES 0 NO

REPORT ACCEPTED.

NEW BUSINESS:

Ordered that the City Clerk be directed to cause notice to be advertised that meetings of the qualified voters of the City of Lynn will be held in the several polling places heretofore designated for all 2013 Elections:

Warrant for Special State Primary Election on Tuesday, April 30, 2013, Special State Final Election on Tuesday, June 25, 2013. The polls will be opened at 7:00 a.m. and closed at 8:00 p.m. and all citizens will, in the several precincts in which they are entitled to vote, between said hours, give in their votes on one ballot for Senator in Congress (to fill vacancy).

Warrant for Preliminary Election on September 17, 2013 and Final Election on November 5, 2013. The polls will be opened at 7:00 a.m. and closed at 8:00 p.m. and all citizens will, in the several precincts in which they are entitled to vote, between said hours, give in their votes on one ballot for Mayor, Councilors At Large, Ward Councilors and School Committee.

GREETING:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of the City of Lynn who are qualified to vote in the City of Lynn Special State Primary Election and Special State Final Election as well as City of Lynn Preliminary Election and Final Election in the year 2013, to vote at:

1-1 Shoemaker School – Clearview Avenue

- 1-2 Briarcliff Lodge – 112 Kernwood Drive
- 1-3 Sisson School – 56 Conomo Avenue
- 1-4 Sisson School – 56 Conomo Avenue
- 2-1 St. Pius Lower Church Hall – Maple Street
- 2-2 St. Pius Lower Church Hall – Maple Street
- 2-3 St. Pius Lower Church Hall – Maple Street
- 2-4 St. Pius Lower Church Hall – Maple Street
- 3-1 English High School – Goodridge Street
- 3-2 English High School – Goodridge Street
- 3-3 English High School – Goodridge Street
- 3-4 English High School – Goodridge Street
- 4-1 North Shore Community College – Broad Street
- 4-2 North Shore Community College – Broad Street
- 4-3 North Shore Community College – Broad Street
- 4-4 North Shore Community College – Broad Street
- 5-1 Lynn Vocational Technical Institute Annex – Commercial Street
- 5-2 Lynn Vocational Technical Institute Annex – Commercial Street
- 5-3 Lynn Vocational Technical Institute Annex – Commercial Street
- 5-4 Community Hall – 10 Church Street
- 6-1 Lynn Tech Fieldhouse – Neptune Boulevard
- 6-2 Lynn Tech Fieldhouse – Neptune Boulevard
- 6-3 Lynn Tech Fieldhouse – Neptune Boulevard
- 6-4 Lynn Tech Fieldhouse – Neptune Boulevard
- 7-1 Breed Junior High School, 90 O’Callaghan Way
- 7-2 Breed Junior High School, 90 O’Callaghan Way
- 7-3 Breed Junior High School, 90 O’Callaghan Way
- 7-4 Breed Junior High School, 90 O’Callaghan Way

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 the 2013 Election Warrant for the Special State Primary Election on Tuesday, April 30, 2013, Special State Final Election on Tuesday, June 25, 2013, Preliminary Election on September 17, 2013 and the Final Election on November 5, 2013 to vote at various polling locations throughout the City of Lynn.

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 Colucci and seconded by Councillor Cyr 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