

CITY OF LYNN

**Regular City Council Meeting, May 28, 2013
Council President Timothy Phelan Presiding**

**Nine Councillors Present (Councillor Capano and Councillor Colucci absent).
Moment of Silence
Pledge of Allegiance.**

Council President Phelan stated that Councillor Colucci had a medical emergency and Councillor Capano was away celebrating his 30th Wedding Anniversary.

PUBLIC HEARINGS:

Public hearing relative to a burnt, dilapidated or dangerous building or other structure located at 8 Pinkham Place as authorized by Massachusetts General Laws, Chapter 139, Section 1.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Trahant and seconded by Councillor Ford to grant.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

Petition of National Grid, Paul McGrath, for permission to install approximately 1200' of gas main beginning at the intersection of Blossom Street and Summer Street, heading northeast on Summer Street to Tremont Street, northeast on Tremont Street to Pleasant Street and northwest on Pleasant Street to #35 Pleasant Street to service St. Mary's High School.

The following appeared in Favor:

Paul McGrath, National Grid

No one appeared in Opposition.

Public Hearing Closed.

Councillor Crighton 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 Petition of National Grid, Paul McGrath, for permission to install approximately 1200' of gas main beginning at the intersection of

Blossom Street and Summer Street, heading northeast on Summer Street to Tremont Street, northeast on Tremont Street to Pleasant Street and northwest on Pleasant Street to #35 Pleasant Street to service St. Mary's High School.

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:

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

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

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

UNFINISHED BUSINESS:

Ordinance Committee Meeting laid over from May 14, 2013:

IN THE YEAR TWO THOUSAND AND THIRTEEN AN AMENDING THE ORDINANCE ESTABLISHING A DOG PARK IN THE CITY OF LYNN AND REGULATING THE USE OF THE DOG PARK

SECTION 1:00 ENFORCEMENT AND APPEAL

Delete -- "Fire Department" from Section 6:00 entitled "Enforcement and Appeal."

SECTION 2:00 INCONSISTENT ORDINANCES

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3:00 TIME OF TAKING EFFECT

This ordinance shall take effect thirty-one (31) days after its final adoption as advertised.

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

Motion carried by the following ye and nay vote:

9 YES (Councillor Capano and Councillor Colucci absent).

COMMITTEE REPORTS:

Report of the May 28, 2013 Committee on Ordinance recommending the following to be accepted:

1. A Proposed Ordinance Amending the Ordinance Regulating Public Safety Within Convenience Stores in the City of Lynn. **(BARTON)**
(Public Hearing scheduled on March 26, 2013 and Tabled for further input from the North Shore Latino Business Association (NSLBA). Recommendations from NSLBA are: Installation of a Panic Button and Wireless Panic Button (around neck area). – Granted with Amendments. (Lays over to June 11, 2013)

REPORT ACCEPTED.

Report of the May 28, 2013 Committee on Public Safety recommending the following to be accepted:

Presentation: Representatives from Girls Inc. and Tobacco Control will present a Fifteen Minute Power Point Presentation on Tobacco.

REPORT ACCEPTED.

Report of the May 28, 2013 Committee on Minor Licenses recommending the following:

TAXI OPERATORS (NEW)

Crawford, Tracy 15 Jackson St. # 1- **Granted**

De los Santos-Cruz, Mariano 501 Washington St # 308. - **Tabled**

Satterwhite, Marvis J. 194 Curwin Cir. – **Granted with 30-60-90 Review**

TAXI OPERATORS-60 DAY REVIEW

Causey, Ray. 16 Glenwood Rd. (**Tabled- no show on May 14, 2013**) - **DENIED**

Lewis, Jamie. 75 Lyman St # 5. (**Tabled- no show on May 14, 2013**) - **Granted**

LIVERY OPERATORS - NEW

Dorcely, Guyboyson R. 37 Kirthland St. – **Granted with 30-60-90 Review**

Rosario, Julio E. 108 Franklin St # 9- **Granted**

Tejada, Jenny. 56 Fayette St # 2 - **Tabled**

OLD GOLD & SILVER- NEW

810 Lynnway, Variedades Ada- **Granted**

BOWLING- RENEWAL

73 Buffum St., Lucky Strike Recreation, Inc. - **Granted**

497 Lynnway, Lynnway Sports Center- **Granted**

JUNK DEALERS- RENEWAL

225 Commercial St., Turner Inc. - **Granted**

1069R Western Ave., Cap's Auto Wrecking Corp. - **Granted**

SIGNS-RENEWAL

96 Adams St., Highland Market- **Granted**

5 Agganis Sq., Nuria's Fashion- **Granted**

26 Bennett St., Rem Auto Body, Inc- **Granted**

826 Boston St., Riverside II- **Granted**

126 Broad St., D & M Mart- **Granted**

336 Broadway, Wyoma Liquor- **Granted**

73 Buffum St., Lucky Strike Recreation, Inc- **Granted**

1 Central Sq., Central Sq. Donuts, Inc. (Dunkin Donuts) - **Granted**

170 Chestnut St., Daniel P. McIntire, Jr. Electrical Contr. - **Granted**

346-348 Chestnut St., Chestnut St Liquors- **Granted**

518 Chestnut St., Mr. Specs Opticians- **Granted**

520 Chestnut St., Sam's Barber Shop- **Granted**

99 Commercial St., D & M Variety- **Granted**

16 Cottage St., Lolly's Bakery- **Granted**

500 Eastern Ave., D'Amici's Bakery, Inc. - **Granted**

37 Essex St., Dee's Corner- **Granted**

59 Essex St., Osborne Pharmacy- **Granted**

61A Essex St., Pizza Lovers- **Granted**

135 Essex St., Neves Karate Academy- **Granted**

163 Essex St., Swampscott Refrigeration- **Granted**

188 Essex St., Charlie's Seafood- **Granted**

333 Essex St., New Angkor Thom Market- **Granted**

403 Essex St., Lynn New Market- **Granted**

602 Essex St., Tropical Enterprises, Inc- **Granted**

137 Euclid Ave., Connor Real Estate- **Granted**

148 Fayette St., Mikes' Auto Repair & Auto Body, LTD- **Granted**

63 Franklin St., Santiago Market- **Granted**

196 Franklin St., Tony's Pub- **Granted**

15 Lewis St., Giovanni's House Of Pizza- **Granted**

17 Lewis St., Show Of Hands- **Granted**

45 Lewis St., D'Lesly Hair Salon- **Granted**

89 Lewis St., Bayview Realty Corp. - **Granted**

171-173 Lewis St., Lucky's Liquor- **Granted**

175 Lewis St., Liberty Tax Service- **Granted**

179 Lewis St., Perkins Realty Mgmt LLC- **Granted**

263 Lynnfield St., Lynnfield Street Market- **Granted**

33 Lynnway, Johnny's Market- **Granted**

451 Lynnway, Lancelot Janitorial - **Granted**

500 Lynnway, Ital Marble Co. - **Granted**

522 Lynnway, Kelly Honda- **Granted**

540 Lynnway, Kelly Honda- **Granted**

260 Maple St., Primacare Family Day Care- **Granted**

8 Market St., China Lion Restaurant- **Granted**
 18 Market St., California Nails- **Granted**
 30 Market St, North Shore Vacuum - **Granted**
 42 Market St., Center Donuts, Inc. (Dunkin Donuts) - **Granted**
 98 Market St., USA Super 99 Cents State, Inc- **Granted**
 144 Market St., Dragon Inn- **Granted**
 2 Mason St., Gem Auto Parts Co, Inc- **Granted**
 201 North Common St., Perfect Supermarket, Inc- **Granted**
 76 Oakville St., Meninno Construction Co. - **Granted**
 92 Oakville St., Dandreo Brother's General Contr. - **Granted**
 52 Oakville St., 128 Auto- **Granted**
 129 Oxford St., Casa Antigua Restaurant- **Granted**
 191 Oxford St., The Blue Ox- **Granted**
 358 Summer St., Commercial St Auto- **Granted**
 595 Summer St., 595 Café- **Granted**
 727 Summer St., Stop & Go Market- **Granted**
 1 Union St., Kennedy Chicken- **Granted**
 100 Union St., Inner Convenience Store- **Granted**
 114 Union St., Vecino Meat Market- **Granted**
 116 Union St., Envios De Valores La Nacional- **Granted**
 180 Union St., Las Delicias Restaurant Inc. - **Granted**
 90 Walnut St., Cher Magic- **Granted**
 56 Washington St., Sunshine Conv. Market- **Granted**
 110 Washington St., Evezezer Shullabar Realty LLC d/b/a Showcase Laundromat- **Granted**
 340 Washington St., Express Checkout- **Granted**
 490 Washington St., Leland M Hussey Builder/Contr. - **Granted**
 510 Washington St., Michael Russ Jr., Plumbing & Heating Co. Inc. - **Granted**
 101 ½ Western Ave., Greg Rogers Co. Inc. - **Granted**
 471 Western Ave., Friendly Insurance Agency- **Granted**
 472 Western Ave., CC'S Impression Salon- **Granted**
 518 Western Ave., Hines Liquor Inc. - **Granted**
 524 Western Ave., Duran Market- **Granted**
 882 Western Ave., Western Ave Autobody- **Granted**
AUTO BODY/AUTO REPAIR/FLAMMABLE – RENEWAL
 178 Alley St. – Collision Auto Craft & Repair- **Granted**
 443 Lynnway – Friends Multi Service- **Granted**
AUTO REPAIR/FLAMMABLE-RENEWAL
 87 Bennett St. – West Lynn Auto Service- **Granted**
 287 Essex St. – Essex Auto Repair- **Granted**
 100 Ford St. – San Marcos Auto Repair- **Granted**
 453 Lynnway – George's Expert Auto & Marine- **Granted**
 240 Western Ave. – J.V.S. Auto Service, Inc. DBA Gibbs Auto Service (name change from Gibbs Auto Service) - **Granted**

800 Western Ave. – Valvoline Instant Oil Change- **Granted**

FLAMMABLE/RENEWAL

59-61 Commercial St. – McGrath Realty - **Granted**

266-270 Commercial St. – McGrath Realty- **Granted**

626 Lynnway – Garelick Farms of Lynn- **Granted**

52 Oakville St. – Meninno Construction- **Granted**

CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE – TRANSFER

119 Essex St. – Jerry’s Auto Sales & Repair- transferring ownership from Andy Reyes Acosta to Jerry Reyes

(Jerry has open cases on CORI, brought in court papers indicating charges dismissed said he would be calling Darren Cyr). - Granted

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the May 28, 2013 Committee on Finance recommending the following to be accepted:

Ordered that the City Comptroller be and is hereby authorized to appropriate from Free Cash the sum of Six Hundred Fifteen Thousand Dollars and Zero Cents (\$615,000.00) to the Account of DPW Sanitation to fund services for the remainder of FY13.

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 City Comptroller be and is hereby authorized to appropriate from Free Cash the sum of Six Hundred Fifteen Thousand Dollars and Zero Cents (\$615,000.00) to the Account of DPW Sanitation to fund services for the remainder of 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:

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

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

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

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

Transfer From the Account of Reserve Fund to the Account of Veteran's Payroll:
\$3,523.00

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 a financial transfer from the Account of the Reserve to the Account of Veteran's Payroll in the amount of \$3,523.00.

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:

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

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

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

From the Account of Reserve Fund to the Account of Elections/Payroll & Clerk/Office Supplies: \$8,500.00

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 a financial transfer from the Account of the Reserve to the Account of Elections/Payroll and Clerk/Office Supplies in the amount of \$8,500.00.

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:

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

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

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

From the Account of Reserve Fund to the Account of Care of Dogs: \$2,500.00

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 a financial transfer from the Account of the Reserve to the Account of Care of Dogs in the amount of \$2,500.00.

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:

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

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

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

From the Account of Police Tuition Reimbursement to the Account of Unpaid Bills Prior Year: \$1,189.97

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 a financial transfer from the Account of Police Tuition Reimbursement to the Account of Unpaid Bills of Prior Year in the amount of \$1,189.97.

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:

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

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

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

Certify as an "Available Fund" the amount of Two Hundred Ninety Five Thousand Three Hundred Eighty Eight Dollars and Zero Cents. (\$295,388.00) as allotted to the City of Lynn Fire Department by Federal Emergency Management Agency and the Department of Homeland Security to fund Fire Prevention personnel costs and supplies used to educate the public on the importance of fire safety. This grant has no match requirement. Grant period is 4/15/13 to 4/14/14.

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 a financial transfer Certifying as an "Available Fund" the amount of Two Hundred Ninety Five Thousand Three Hundred Eighty Eight Dollars and Zero Cents. (\$295,388.00) as allotted to the City of Lynn Fire Department by Federal Emergency Management Agency and the Department of Homeland Security to fund Fire Prevention personnel costs and supplies used to educate the public on the importance of fire safety. This grant has no match requirement. Grant period is 4/15/13 to 4/14/14.

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:

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

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

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

Certify as an "Available Fund" the amount of Three Hundred Sixteen Thousand Three Hundred Fifty Dollars and Zero Cents (\$316,350.00) as allotted to the City of Lynn Fire Department by Federal Emergency Management Agency and the Department of Homeland Security to fund Scott Bottles, harnesses, face masks and a new filling station. This grant has a match requirement and our obligation is 20% of the grant award which is \$63,270.00. Grant Period is 5/1/13 to 4/30/14.

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 a financial Transfer certifying as an "Available Fund" the amount of Three Hundred Sixteen Thousand Three Hundred Fifty Dollars and Zero Cents (\$316,350.00) as allotted to the City of Lynn Fire Department by Federal Emergency Management Agency and the Department of Homeland Security to fund Scott Bottles, harnesses, face masks and a new filling station. This grant has a match requirement and our obligation is 20% of the grant award which is \$63,270.00. Grant Period is 5/1/13 to 4/30/14.

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:

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

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

9 YES 0 NO (Councillor Capano and Councillor Colucci absent).

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