

CITY OF LYNN

**Regular City Council Meeting, April 23, 2013
Council President Timothy Phelan Presiding**

Eleven Councillors Present

Moment of Silence. Student Councillor Benjamin Bowden requested the Moment of Silence be dedicated to the victims of last week's Boston Marathon Tragedy. He also requested a moment of reflection and thanks for the responding Police Officers, Firemen, Emergency Medical Technicians, and First Responders who helped saved lives of the victims and ensured the capture of the terrorists.

Pledge of Allegiance.

Motion made by Councillor Barton and seconded by Councillor Trahant to suspend the rules to present a plaque to Firefighter /Paramedic Matthew I. Patterson "In Recognition of His Courage, Bravery, Caring, Protecting and Saving the Lives of the Victims of the Boston Marathon Tragedy on April 15,2013. You Are Truly "Lynn's Finest Hero".

Fire Chief James McDonald also recognized Firefighter/Paramedic Matthew I. Patterson. "It is with great pride that I acknowledge your actions taken at the bombings which occurred at the Boston Marathon on April 15, 2013. This order in no way diminishes the many actions taken by others at that event.

After reviewing media photographs and descriptions of your acts on Boylston St. in Boston Massachusetts, you are hereby commended by this department, and all of its members, for your demonstration of selflessness and professionalism in an extremely hazardous situation.

Working without protection and with no medical equipment, your ability to provide life-saving procedures in a confined area following bomb explosions that inflicted fatal and severely traumatic injuries to multiple people is a true testament to your knowledge and training as a Firefighter in the City of Lynn.

Firefighter/ Paramedic Matthew I. Patterson, for your heroic actions in extreme danger, and placing yourself in a position of severe personal risk, you are hereby commended for your actions. It is hereby ordered that this commendation become a part of your permanent department record. Congratulations on a job well done". Per Order, Fire Chief James McDonald.

Council President Phelan welcomed the "2013 Student Government" students.

COMMUNICATIONS:

Communication from Her Honor the Mayor;

Dear Councilors:

I am hereby appointing Lisa Nerich as Acting Associate Commissioner at the Department of Public Works. This appointment is effective Sunday, April 21, 2013.

Sincerely, Judith Flanagan Kennedy

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

Motion carried by the following ye and nay vote:

11 YES 0NO

PUBLIC HEARINGS:

Petition of Fiesta Shows, Eugene J. Dean, for permission for a Carnival Fundraiser for the 4th of July Fireworks at Lynn Tech Field on May 15-19, 2013.

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

Motion carried by the following ye and nay vote:

11 YES 0NO

UNFINISHED BUSINESS:

Motion made by Councillor Lozzi and seconded by Councillor Colucci to remove from the Table the Petition of Golden Onion Rings, Paula Robles, for permission for preparation, sales and delivery of Onion Rings at 271 Western Avenue, Monday

through Saturday 9 a.m. to 12 Midnight and to grant the prayer of the Petitioner with the stipulation that the Hours of Operation are 9:00 a.m. to 9:00 p.m. Motion carried by the following ye and nay vote: 11 YES 0NO

COMMITTEE REPORTS:

Report of the April 23, 2013 Committee on Ways and Means recommending the following to be accepted:

Recommends that the Lynn City Council be requested to set down a public hearing relative to a burnt, dilapidated or dangerous building or other structure located at 8 Pinkham Place 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. (Granted).

Motion made by Councillor Cyr and seconded by Councillor Trahan to refer the Student Council Agenda to the full Council.

Motion carried.

REPORT ACCEPTED.

Report of the April 23, 2013 Committee on Minor Licenses recommending the following to be accepted: TAXI OPERATORS (NEW)

Carrasquillo, Juan. 44 Union Ct # 1

Chick, George. 195 Union St

Phillips Undreea A. 103 Broad St #507

TAXI OPERATORS-TABLED

Exantus, Fernor. 104 Lincoln Ave.

TAXI OPERATORS-60 DAY REVIEW

Ehiabhi, Moises. 10 Safford Rd (Tabled, did not appear on April 9, 2013 for 60 Day Review).

TAXI OPERATOR-90 DAY REVIEW

Soriano, Jose R. 67 Franklin St # 1

LIVERY OPERATORS-NEW

Brown, Denise N. 68 Collins St # 2

Chick, George. 195 Union St
 Fernandez, Octavia. 14 Trinity Ave # 2
 Taggart, Samone B. 56 Curwin Circle
 Wilder, Darren. 15 Rockaway St #15

LIVERY OPERATORS -90 DAY REVIEW

Sanon, Samuel, 199 Allen Ave. (Tabled, did not appear on April 9, 2013 for 90 Day Review).

DOOR - DOOR SALES

21 Drydock Ave. 2nd Floor, Boston, MA 02110, Next Step Living. (Tabled March 26, 2013).

TRANSFER CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE

1147 Western Ave. Chino's Auto Sales, Inc. (to become Osaka Auto Sales, Inc.
 Vladimir Castro, owner)

(pending that all taxes are paid, Munis was down and taxes couldn't be checked 4/17/13)

AUTO REPAIR/FLAMMABLE- TRANSFER OF OWNERSHIP

84 Bennett St. - Joselo Auto Repair (from Carmen Martinez to Nelson Figueroa)

AUTO REPAIR/FLAMMABLE - NEW

860 Western Ave. - Armando's Car Care

AUTO BODY/AUTO REPAIR/FLAMMABLE - RENEWAL

17C Alley St. - Alley Auto Body & Repair - **Granted**

19 Alley St. - Spina's Auto Body- **Granted**

35 Alley St. - Global Auto Body -**Granted**

26 Bennett St. - REM Auto Body & Truck Repair, Inc. (adding Truck Repair, Inc. to
 business name) -**Granted**

47 Bennett St. - Auto Work Collision Center-**Granted**

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

475R Lynnway - Barrera & Sons Auto Body and Repair-**Granted**

1127 Western Ave. - Bridge Auto Body & Car Rental-**Granted**

AUTO REPAIR/FLAMMABLE-RENEWAL

15 Avon St. - John's Fuel Service Inc./dba John's Oil-**Granted**

606 Boston St. - Solutions Auto Repair-**Granted**

159 Commercial St. - Advance Auto Repair-**Granted**

109 Lynnfield St. - R & R American-**Granted**

760 Summer St. - J & L Fuel Service, Inc. -**Granted**

FLAMMABLE/RENEWAL

229 Broadway - Richdale Food Shop-**Granted**

2 Circle Ave. - Lynn Water & Sewer Commission-**Granted**

500 Lynnfield St. - NSMC Union Hospital-**Granted**

154 Lynnway - City of Lynn Seaport Marina-**Granted**

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

88 Marion St. - Demakes Enterprises, Inc. -**Granted**

390 Parkland Ave. - Lynn Water & Sewer Commission-**Granted**

400 Parkland Ave. - Lynn Water & Sewer Commission-**Granted**

CANNING:

Lynn Lacrose – April 28, 29, 30, 2013-**Granted**

FLAMMABLE/RENEWAL (CONTINUED)

154 Pleasant St. - C. Bain, Inc. -**Granted**

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

-**Granted**

650 Summer Street – C.L. Hawthaway & Sons, Corp. - **Granted**

659 Summer Street. – C.L. Hawthaway & Sons, Corp- **Granted**

766 Summer Street – Booma Oil, Inc. - **Granted**

149 Walnut Street – Richdale Convenience Store- **Granted**

325 Walnut Street – Lynn Water & Sewer Commission- **Granted**

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

2 Western Avenue – Dom’s Oil Company- **Granted**

OTHER BUSINESS

Report of the April 23, 2013 Committee on Finance recommending the following to be accepted:

Transfer the sum of Forty Eight Thousand Eight Hundred Dollars and Zero Cents (\$48,800.00) from the Account of Police Payroll to the Accounts of Police/Additional Expense, Police/Replace Equipment, Police Building R & M, Police Misc., Police Tuition and Police/Vehicle R & M.

Councillor Coined 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 to transfer the sum of Forty Eight Thousand Eight Hundred Dollars and Zero Cents (\$48,800.00) from the Account of Police Payroll to the Accounts of Police/Additional Expense, Police/Replace Equipment, Police Building R & M, Police Misc., Police Tuition and Police/Vehicle R & M.

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 0NO

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

11 YES 0NO

Transfer the sum of Fifteen thousand four Hundred Four Dollars and Zero Cents from the Account of Insurance Premiums to the Account of Workers Compensation Premiums.

Councillor Coined 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 to transfer the sum of Fifteen thousand four Hundred Four Dollars and Zero Cents from the Account of Insurance Premiums to the Account of Workers Compensation Premiums.

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:

11 YES 0NO

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

11 YES 0NO

Transfer the sum of Ninety Seven Dollars and Seventy Five Cents from the Account of Fire Department/Vehicle Supplies to the Account of Unpaid Bills of Prior Year.

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 to transfer the sum of Ninety Seven Dollars and Seventy Five Cents from the Account of Fire Department/Vehicle Supplies to the Account of Unpaid Bills of Prior Year.

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:

11 YES 0NO

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

11 YES 0NO

Ordered that the City Comptroller be and is hereby authorized to appropriate from FREE CASH the sum of One Million Six Hundred Eighty Eight Thousand Three Hundred Fifty Three Dollars and Zero Cents (\$1,688,353.00) to adhere to the City's portion of the already approved MSBA Accelerated Repair Project for the work to be done on the roof at LVTI and the windows at Breed Middle School.

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 One Million Six Hundred Eighty Eight Thousand Three Hundred Fifty Three Dollars and Zero Cents (\$1,688,353.00) to adhere to the City's portion of the already approved MSBA Accelerated Repair Project for the work to be done on the roof at LVTI and the windows at Breed Middle 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:

11 YES 0NO

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

11 YES 0NO

Ordered that the City Comptroller be and is hereby authorized to appropriate from FREE CASH the sum of Two Hundred Forty One Thousand Dollars and Zero Cents (\$240,000.00) to the City Hall Capital Account, for the installation of the Air Conditioning in Lynn City Hall Auditorium. This amount is a small portion of the cost of the project which totals \$1,075,000.00. The other Funding sources include a \$234,000 grant received from the Commonwealth of Massachusetts and \$600,000.00 earmarked from the \$4M bond that has been previously approved.

Councillor Coined 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 Two Hundred Forty One Thousand Dollars and Zero Cents (\$240,000.00) to the City Hall Capital Account, for the installation of the Air Conditioning in Lynn City Hall Auditorium. This amount is a small portion of the cost of the project which totals \$1,075,000.00. The other Funding sources include a \$234,000 grant received from the Commonwealth of Massachusetts and \$600,000.00 earmarked from the \$4M bond that has been previously approved.

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:

11 YES 0NO

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

11 YES 0NO

Transfer the sum of Six Thousand Dollars and Zero Cents (\$6,000.00) from the Reserve Account to the DPW/Professional Technical Expense Account.

Transfer the sum of Twenty Five Thousand Dollars (\$25,000.00) from the Reserve Account to the Awards and Judgments Account.

Councillor Coined 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 the sum of Six Thousand Dollars and Zero Cents (\$6,000.00) from the Reserve Account to the DPW/Professional Technical Expense Account.

Transfer the sum of Twenty Five Thousand Dollars (\$25,000.00) from the Reserve Account to the Awards and Judgments Account.

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:

11 YES 0NO

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

11 YES 0NO

Transfer the sum of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) from the Account of Excess Workers Compensation to Workers Compensation Benefits.

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 the sum of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) from the Account of Excess Workers Compensation to Workers Compensation Benefits.

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:

11 YES 0NO

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

11 YES 0NO

NEW BUSINESS:

**Student Government Ways and Means Agenda
Roll Call -11 Present.**

**STUDENT GOVERNMENT AGENDA FOR THE WAYS AND MEANS COMMITTEE
TUESDAY, APRIL 23, 2013
COUNCIL ORDERS, RECOMMENDATION & REQUESTS
7:00 P.M. - ROOM 402**

Council Orders:

1. **Councilor Biv:** Recommends that city official in conjunction with the Office of Economic and Community Development and the EDIC solicit movie theatre companies to build a theatre in the City of Lynn. (CAHILL) - Granted
2. **Councilor Bowden:** Recommends that the Lynn Police Department, in an effort to reduce crime in The City of Lynn, look into the feasibility of installing cameras on buildings in high crime areas in the city. (BARTON) - Granted
3. **Councilor Cyr:** Recommends that the Ordinance Committee be requested to look into the feasibility of amending the Graffiti Ordinance to include "if persons placing graffiti on buildings, parks and public property within the City of Lynn and are under the age of 18 years, the parents will be responsible for paying the fine and/or to have the graffiti removed." (CYR) - Granted
4. **Councilor Diaz:** Recommends that the Lynn School Committee establish policy requiring all High School seniors to score a passing grade in a civic test created by the Superintendent's Office in order to be eligible for graduation. (CRIGHTON) - Granted w/Amendment.
5. **Councilor Ellis:** Recommends that the Drama Departments of all city schools look into the feasibility of hosting a student city-wide Talent Show at the Lynn Auditorium. (FORD) - Granted w/Amendment.
6. **Councilor Erelli:** Recommends that the DPW, through the Parks and Recreation Department explore the feasibility of installing/operating a zipline in Lynn Woods or park areas. (LOZZI)- Granted
7. **Councilor Field:** Recommends that cell phones cannot be carried in public schools by students during the school hours unless they have a documented emergency need to have on their person as approved by the Principal of the school. (PHELAN) - FAILED

8. Councilor McNulty: Recommends that the Lynn School Department and Lynn Teacher's Union meet to discuss the implementation of longer school days to improve academic performance and achievement in the Lynn Public Schools. (HONG) - **FAILED**
9. Councilor Park: Recommends that the DPW, through the Parks and Recreation Department, look into scheduling free summer activities on the Lynn Commons. (CAPANO) **Granted**
10. Councilor
Richard Recommends that the Summer Youth Program designate one day of community service for youth workers to participate in by volunteering to help the elderly, work at My Brother's Table, or volunteer to clean a park as designated by the DPW. (TRAHANT) - **Granted**
11. Councilor
Rodriquez Rio: Recommends that the Lynn School Department look into the feasibility of opening the school gyms after school for students. (COLUCCI) - **Granted for Middle Schools, Failed for High Schools.**

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