CITY OF LYNN

Regular City Council Meeting – May 12, 2015
Council President Daniel F. Cahill, Presiding

Ten Councillors Present (Councilor Barton absent).
Moment of Silence
Pledge of Allegiance

Motion made by Councillor Colucci and seconded by Councillor Capano to accept the Meeting Minutes of April 28, 2015.
Motion carried.

Council President Cahill stated that Councilor Barton could not attend this evening’s meeting as he had a previously scheduled family trip in honor of his Aunt’s 95th Birthday Celebration.

PUBLIC HEARINGS:

Petition of BEP Corp., d/b/a Little Caesar’s Pizza for a Restaurant in a Business District at 58 Market Square.
The following appeared in Favor:
Chris Elwell, Little Caesar’s Pizza
No one appeared in Opposition.
Public Hearing Closed.
Motion made by Councilor Capano and seconded by Councilor Colucci to grant the prayer of the Petitioner.
Motion carried by the following yea and nay vote:
10 YES 0 NO (Councilor Barton absent).

Petition of BEP Corp., d/b/a Little Caesar’s Pizza for permission for a sign permit at 58 Market Square.
The following appeared in Favor:
Chris Elwell, Little Caesar’s Pizza
No one appeared in Opposition.
Public Hearing Closed.
Motion made by Councilor Capano and seconded by Councilor Colucci to grant the prayer of the Petitioner.
Motion carried by the following yea and nay vote:
10 YES 0 NO (Councilor Barton absent).
Petition of Dimitros Stefanidis (Owner under P & S Agreement) for permission to convert a legal two family dwelling currently used as a funeral parlor with two apartments to a three family dwelling at 893-893A Western Avenue.
The following appeared in Favor:
Attorney Thomas Demakis
No one appeared in Opposition.
Public Hearing Closed.
Motion made by Councilor Capano and seconded by Councilor Ford to grant the prayer of the Petitioner.
Motion carried by the following yea and nay:
10 YES  0 NO  (Councilor Barton absent).

Petition of Richdale Convenience Store, Manzur Alam, for permission to transfer package store Wine & Malt License from 2 Market Square to 573 Chestnut Street.
The following appeared in Favor:
Attorney Thomas Truax, Salem, MA
No one appeared in Opposition.
Public Hearing Closed.
Motion made by Councilor Lozzi and seconded by Councilor Trahant to accept the Letter of Withdrawal Without Prejudice.
Motion carried by the following yea and nay vote:
10 YES  0 NO  (Councilor Barton absent).

Petition of El Gran Jaguar Restaurant, Erica J. Rauda for permission to add a Wine and Malt License to an existing restaurant at 228 Union Street.
The following appeared in Favor:
Erica Rauda, owner
The following appeared in Opposition:
Lieutenant Stephen Haberek, Lynn Police Department
Public Hearing Closed.
Motion made by Councilor Colucci and seconded by Councilor Ford to DENY.
Motion carried by the following yea and nay vote:
10 YES  0 NO  (Councilor Barton absent).

Petition of National Grid, Rafael Panos for permission to install 25’ +/- of 1-3” concrete encased conduit from existing Pole P11 to property of 25 Gordon Road to provide service to the customer.
The following appeared in Favor:
Nguyen Ngo, National Grid
No one appeared in Opposition.
Public Hearing Closed.
Motion made by Councilor Lozzi and seconded by Councilor Cyr to TABLE.
Motion carried by the following yea and nay vote:
10 YES  0 NO  (Councilor Barton absent).
Petition of National Grid, Rafael Panos, for permission to install solely owned in line P51-50 between Pole 51 and Pole 53 Alley Street and to install sidewalk fixture Anchor at P51-50 and at P52. Pole 51-50 shall be located approximately 56° +/- Northeasterly from P53. Further install approximately 147° +/- of 2-4” concrete encased conduits from existing rise P52 Alley Street towards Commercial Street up to customers property at 175-189 Alley Street. (Capano)
The following appeared in Favor:
Nguyen Ngo, National Grid
No one appeared in Opposition.
Public Hearing Closed.

**Motion made by Councilor Capano and seconded by Councilor Cyr to TABLE.**

Motion carried by the following yea and nay vote:
10 YES 0 NO (Councilor Barton absent).

Petition of National Grid, Rafael Panos, for permission to install approximately 7” +/- of 1-3” conduit from P24 to the property at 555 Western Avenue.
The Following appeared in Favor:
Nguyen Ngo, National Grid
No one appeared in Opposition.
Public Hearing Closed.

**Motion made by Councilor Chakoutis and seconded by Councilor Ford to grant the prayer of the Petitioner with the stipulations that road /sidewalk be returned to current condition and that infrared be used for patching.**

**Motion carried by the following yea and nay vote:**
10 YES 0 NO (Councilor Barton absent).

Petition of Comcast, Timothy Broderick for permission to place (1) 4” pvc conduit from existing vault manhole on Andrew Street, 30’ +/- in a Westerly direction to property of 1 Andrew Street.
The following appeared in Favor:
Timothy Broderick, Comcast
No one appeared in Opposition.
Public Hearing Closed.

**Motion made by Councilor Chakoutis and seconded by Councilor Ford to grant the prayer of the Petitioner with the following stipulations that road /sidewalk be returned to current condition and that infrared be used for patching.**

**Motion carried by the following yea and nay vote:**
10 YES 0 NO (Councilor Barton absent).

Petition of Comcast, Timothy Broderick, for permission to intercept existing conduit on Silsbee Street and place new manhole. From new manhole, place (1) 4” pvc conduit 35’ +/- in a Southwesterly direction to property of 270 Union Street.
The following appeared in Favor:
Timothy Broderick, Comcast
No one appeared in Opposition.
Public Hearing Closed.

**Motion made by Councilor Colucci and seconded by Councilor Trahant to grant the prayer of the Petition with the following stipulations that road/sidewalk be returned to current condition and that infrared be used for patching.**

**Motion carried by the following yea and nay vote:**
10 YES 0 NO (Councilor Barton absent).

Petition of Comcast, Timothy Broderick, for permission to intercept existing conduit on Silsbee Street and place new manhole. From new manhole, place (1) 4’ pvc conduit 25’ +/- in a Northwesterly direction to property of 8 Silsbee Street.

The following appeared in Favor:
Timothy Broderick, Comcast
No one appeared in Opposition.
Public Hearing Closed.

**Motion made by Councilor Chakoutis and seconded by Councilor Trahant to grant the prayer of the Petitioner with the following stipulations that the road/sidewalk be returned to current condition and that infrared be used for patching.**

**Motion carried by the following yea and nay vote:**
10 YES 0 NO (Councilor Barton absent).

**PUBLIC HEARINGS TO BE SET DOWN:**
- Petition of Jaynes Real Estate Trist. Caitriona & Donald P. Jaynes, for permission to change use of space to auto body/auto repair shop at 69 Bennett Street with hours of operation Mon-Sat 7 am to 6 pm. (Capano)
- Petition of Ital Marble Co., Inc., Antonio Lonigro, for permission for an electronic sign at 500 Lynnway. (Capano)

**Motion made by Councilor Cyr and seconded by Councilor Hong to set down for Public Hearings.**

**Motion carried.**

**COMMITTEE REPORTS:**

**Report of the May 12, 2015 Committee on Ways and Means recommending the following to be accepted:**

Ordered that the City Comptroller take the following actions:
Transfer the sum of Eleven Thousand Nine Hundred Dollars and Zero Cents ($11,900.00) from the Reserve Fund to the Personnel Expense Account.

**Councillor Net 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 appropriating the sum of
Eleven Thousand Nine Hundred Dollars and Zero Cents ($11,900.00) from the Reserve Fund to the Personnel Expense Account.

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 (Councilor Barton absent)

Emergency Order was then adopted by the following yea and nay vote:
10 YES 0 NO (Councilor Barton absent).

Transfer the sum of Ten Thousand Dollars and Zero Cents ($10,000.00) from the Election Precinct Payroll Account to the City Clerk’s Expense Account.

Councilor Net 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 appropriating the sum of Ten Thousand Dollars and Zero Cents ($10,000.00) from the Election Precinct Payroll Account to the City Clerk’s Expense Account
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 (Councilor Barton absent)

Emergency Order was then adopted by the following yea and nay vote:
10 YES 0 NO (Councilor Barton absent).

Transfer the sum of Forty Nine Thousand Six Hundred Eight Dollars and Ninety Eight Cents ($49,608.90) from the Insurance Losses 20K or greater Account to the ISD Expense/Schools Account.

Councilor Net 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 appropriating the sum of Forty Nine Thousand Six Hundred Eight Dollars and Ninety Eight Cents ($49,608.90) from the Insurance Losses 20K or greater Account to the ISD Expense/Schools Account.
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 (Councilor Barton absent)

Emergency Order was then adopted by the following yea and nay vote:
10 YES 0 NO (Councilor Barton absent).
Certify as an “Available Fund” the amount of One Hundred Ninety Eight Thousand Five Hundred Dollars and Zero Cents ($198,500.00) as allotted to the City of Lynn Office of Economic and Community Development by North Shore Workforce Investment Board for Youth Works Summer 2015 jobs.

Councillor Net 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 Ninety Eight Thousand Five Hundred Dollars and Zero Cents ($198,500.00) as allotted to the City of Lynn Office of Economic and Community Development by North Shore Workforce Investment Board for Youth Works Summer 2015 jobs.
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 (Councilor Barton absent)

Emergency Order was then adopted by the following yea and nay vote:
10 YES 0 NO (Councilor Barton absent).

Certify as an “Available Fund” the amount of One Hundred One Thousand Seven Hundred Twelve Dollars and Zero Cents ($101,712.00) as allotted to the City of Lynn School Department by the Executive Office of Housing and Economic Development (EED) to fund the LVTI Capital Equipment Grant. Grant period 03/13/15 – 06/30/15.

Councillor Net 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 One Thousand Seven Hundred Twelve Dollars and Zero Cents ($101,712.00) as allotted to the City of Lynn School Department by the Executive Office of Housing and Economic Development (EED) to fund the LVTI Capital Equipment Grant. Grant period 03/13/15 – 06/30/15.
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 (Councilor Barton absent)

Emergency Order was then adopted by the following yea and nay vote:
10 YES 0 NO (Councilor Barton absent).

REPORT ACCEPTED.
Report of the May 12, 2015 Committee on Licensing recommending the following to be accepted:

**TAXI OPERATORS (NEW)**
Antunano, Alberto, 22 Paleologos St. Peabody, MA 01960- Granted
Chery, Rodner, 7 Liberty Square #733V - Granted
Colanton, John, 4 Belmont Avenue - Granted
De La Cruz, Wilfredo, 134 Allen Ave. Apt. #2 - Granted
Jolly, Melissa, 31 Home St. Beverly, MA - DENY
Matos, Christian, 22 W. Baltimore St. Apt. #9 - Granted
Mondello, Tracy, 39 Kings Hill Dr. - Granted
Osborne, James, 62 Nahant St. #2 - Granted
Reed, Angelica, 44 Estes St. #9 - Granted
Saladin, Ramon, 445 Essex St. - Granted
Soto, Angel, 76 Franklin St. Apt. - Granted

**TAXI OPERATOR (60 DAY REVIEW)**
Nieves Rodriguez, Christian, 62 Rockway St. #3 - Granted

**TAXI OPERATOR (90 DAY REVIEW)**
Brady, Christopher, 80 Silsbee St. #208 - Granted

**LIVERY OPERATORS (NEW)**
Francis, Raul, 267 Chatham St. #1 - Granted
Jazmin, Pedro, 55 W. Neptune St. - Granted
Lott, Abasi, 124 Central Avenue #24 - Granted
Matos, Christian, 22 W. Baltimore St. #9 - Granted
Urena, Devora, 229 s. Common St. #5 - Granted

**AUCTION PERMIT-NEW**
270 Lynnway, Peter J. Cocculuto, III - Granted

**SIGN LICENSE-RENEWAL**
158 Chestnut St., Santo Domingo Grocer - Granted
115 Commercial St., Pollo Royal Restaurant - Granted

**AUTO REPAIR/FLAMMABLE LICENSE – NEW**
1071 Western Ave. – Edna’s Auto Body of Lynn, Inc. - Granted

**AUTO BODY/AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**
35B Alley St. – K & J Auto Body - Granted
26 Bennett St. – REM Auto Body & Truck Repair, Inc. - Granted
220 Chestnut St. – Auto Body Rebuilders, Inc. - Granted
9 Green St. – Legere Auto Body - Granted
92 Harbor St. – Urban Auto Body - Granted
892 Washington St. – Giovanni’s Auto Body - Granted

**AUTO REPAIR/FLAMMABLE LICENSE – RENEWAL**
17A Alley St. – ARM Garage - Granted
18A Alley St. – E & M Auto Repair- Granted
37 Bennett St. – Gem Line Auto Repair- Granted
47 Bennett St. – DLC Auto Innovationz, Inc. - Granted
122 Boston St. – S and H Auto Repair, Inc. - Granted
100A Central Ave. – JB Automotive Center - Granted
148 Fayette St. – Auto Repair of Fayette Street, Inc. - Granted
100 Ford St. – San Marcos Auto Repair- **Granted**
315 Lynnway – Brothers Garage (adding second owner – his wife) - **Granted**
475R Lynnway – Barrera & Sons Auto Body and Repair- **Granted**
35 Suffolk St. – Toro’s Auto Repair- **Granted**
1069A Western Ave. – Mell’s Tire and Auto Service- **Granted**
1147 Western Ave. – Stoneham Boat Center, Inc. - **Granted**

**FLAMMABLE LICENSE – RENEWAL**
668 Chestnut St. – Cumberland Farms #2492- **Granted**
122 Liberty St. – Hess 21510- **Granted**
84-86 Lynnway – Lynn Yacht Club, Inc. - **Granted**
621-625 Western Ave. – Stop Quick Mart- ** Granted**
1073R Western Ave. – Albert Kemperle, Inc. - **Granted**

**OTHER BUSINESS**

**CANNING:**
Lynn Lacrosse (Adults Only) – May 22, 23, 24, 2015- **Granted**

Councilor Cyr stated he received a letter from a constituent complaining about a “Door to Door” solicitation (Verizon) and how they misrepresented themselves and offered him a service and did not follow through. Councilor Cyr asked the Solicitor’s Office to look into the city issuing city stickers and/or badges from the City for the “Door to Door” employees to wear. Councilor Cyr also stated that at this time, no one has permission to go “Door to Door”.

Motion carried.
**REPORT ACCEPTED.**

**Report of the May 12, 2015 Committee on Public Property and Parks**

**recommending the following to be accepted:**

1. Request from Barbara Gallagher, 20 Garfield Terrace to purchase two (2) pieces of city-owned property, Parcel #007-376-005, and Parcel #007-376-006. - **Motion to refer request from Barbara Gallagher, 20 Garfield Terrace to the Solicitor’s Office for title search and report back to the Public Property and Parks Committee.**

2. **Other Business.**

**REPORT ACCEPTED.**

**NEW BUSINESS:**

Councilor Cyr stated that a communication had been sent to the City Clerk by the Mayor, appointing Robert Stilian as Acting Parking Director in the absences of Jay Fenton.
Motion made by Councilor Cyr and seconded by Councilor Trahant to accept for the files.
Motion carried.

Motion made by Councillor Colucci and seconded by Councillor Crighton to adjourn.

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