

CITY OF LYNN**Regular City Council Meeting, November 16, 2010
Council President Timothy Phelan Presiding**

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

**Motion made by Councillor Colucci and seconded by Councillor Crowley to accept the Meeting Minutes of October 19, 2010 and October 26, 2010.
Motion carried.**

COMMUNICATIONS:**Communication from Her Honor the Mayor:**

Dear Councilors:

I am hereby reappointing Mr. Walter Proodian to the Lynn Water & Sewer Commission. Mr. Proodian's term is effective immediately, and will expire on June 30, 2011.

Sincerely, Judith Flanagan Kennedy, Mayor

Motion made by Councillor Colucci and seconded by Councillor Duffy to suspend the rules to reappoint Walter Proodian to the Lynn Water and Sewer Commission effective immediately and will expire on June 30, 2011.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Communication from Her Honor the Mayor:

Re: Seacrest Foods International, Inc.

Dear Councilors:

I am respectfully vetoing the Order passed, with Emergency Preamble, regarding granting a license to Seacrest Foods International, Inc. for the following reasons:

1. I do not believe that the granting of a license to park vehicles to a company based in Everett in any way constitutes an emergency that affects the peace, health and safety of the people or property in Lynn. If the City Council is found to be the proper body to entertain this proposal (see Reason Number 3), I will reconsider it as a non-emergency matter.
2. The Order does not specify vital information necessary to evaluate the proposal, such as the number of vehicles to be parked, the types of vehicles, the section(s) of the parking lot to be licensed, the amount of money they will be paying for the use of the lot, and the anticipated term of the arrangement. Without having such important information to review, I cannot fully evaluate the merits of the proposal.

3. The proposed license seeks to permit vehicles to park in the Ford School Annex lot. To the best of my knowledge, that lot was never turned back to the City after it ceased functioning as a school, but has remained under the jurisdiction of the School Department. Further, there are currently studies underway to explore the feasibility of moving all administrative offices of the Lynn Public Schools to 100 Bennett Street. Therefore, a legal opinion from the City Solicitor, as well as one from the attorney for the Lynn Public Schools, should be sought as to whether the School Committee or the City Council exercises control over the use of that parking lot.

Please feel free to contact me if you have any questions.

Sincerely, Judith Flanagan Kennedy, MAYOR, CITY OF LYNN

Motion made by Councillor Colucci and seconded by Councillor Crowley to accept for the files.

Motion carried by the following ye and nay vote:

11 YES 0 NO

Communication from Peter M. Caron, Director of Assessing:

Dear Councilors:

The Board of Assessors respectfully requests a Public Hearing be held before the City Council on December 14, 2010, in order for the Board to provide to the Council all the information and data relevant to making a determination on the percentages of the FY2011 tax levy to be borne by each class of real and personal property, as well as the financial effect of available alternatives, including the open space discount, the residential exemption and the small commercial exemption.

Please note that, as provided in the general laws, the residential exemption and the commercial exemption are at the option of the Mayor, with the approval of the Council. Therefore, if the Mayor makes no recommendation to the Council for adoption of either of these exemptions, Council action is not required. Very truly yours, Peter M. Caron, Director of Assessing

Motion made by Councillor Lozzi and seconded by Councillor Trahan to set down for Public Hearing on December 14, 2010.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councillor Ford and Councillor Cyr absent at vote).

Communication from Michael J. Donovan, Director of ISD:

Dear Councilors:

Enclosed please find correspondence received by this Department requesting that the aforementioned Site Plan Review Application (92, 118-120 Brookline Street) be withdrawn. Sincerely, Michael J. Donovan, ISD Director

Motion made by Councillor Colucci and seconded by Councillor Trahan to accept for the files.

Motion carried.

Communication from Richard Fortucci, Treasurer:

Dear Councilors:

The City of Lynn has foreclosed on the following property:

Parcel #41 Phaeton Rock Road, Owner: Stephen Schier

Please adjust your records accordingly.

Sincerely, Richard J. Fortucci, City Treasurer

Motion made by Councillor Colucci and seconded by Councillor Lozzi to accept for the files.

Motion carried.

PUBLIC HEARINGS:

Petition of Veterans of Foreign Wars, Post 507, George Rivers, Post Commander for permission to transfer location of existing VFW Post from location at 90 High Rock Street to 19-21 Fayette Street, with All Alcohol Club License with hours from 12 Noon to 1:00 a.m. Sunday through Saturday.

The following appeared in Favor:

Attorney John Hartley

The following appeared in Opposition:

Ted Chambers, 25 Parrott Street, Lynn

Noreen Grant, 92 Oakwood Avenue, Lynn

Calvin Anderson, 12 Concord Street, Lynn

Sgt. Rick Carrow, Lynn Police Department

Elizabeth Taylor, Lynn (vicinity of Goldfish Pond)

Seven "Show of Hands" from the Audience

Public Hearing Closed.

Motion made by Councillor Trahant and seconded by Councillor Cyr to TABLE.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of AT&T, Francis Keller, for permission to modify equipment and add three antennas four feet in height and 11.8" wide between the current antennas at 92 Curwin Circle.

The following appeared in Favor:

Francis Kellr (Agent for AT&T)

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of AT&T, Francis Keller for permission to modify equipment and increase antennas from 6 to 9 at 71 Linden Street.

The following appeared in Favor:

Francis Keller (Agent for AT&T)

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Ford 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

UNFINISHED BUSINESS:

Public Safety Committee Meeting of October 26, 2010:

The following individual was appointed Constable:

Carl Greenler, 198 Locust Street, Lynn – **Granted**

COMMITTEE REPORTS:

Report of the November 16, 2010 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 102 Alley 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.

Councillor Lozzi 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 to set down a Public Hearing for the demolition of 102 Alley Street.

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 (Councillor Capano abstained from vote).

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

10 YES 0 NO (Councillor Capano abstained from vote).

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 104 Alley 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.

Councillor Lozzi 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 to set down a Public Hearing for the demolition of 104 Alley Street.

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 (Councillor Capano abstained from vote).

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

10 YES 0 NO (Councillor Capano abstained from vote).

REPORT ACCEPTED.

Report of the November 16, 2010 Committee on Ordinance recommending the following to be accepted:

An Ordinance Amending the Ordinance Pertaining to Sex Offender Registry Restrictions in the City of Lynn.

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 to set down a Public Hearing for the proposed Ordinance Amending the Ordinance Pertaining to Sex Offender Registry Restrictions in 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

REPORT ACCEPTED.

Report of the November 16, 2010 Committee on Minor Licenses recommending the following to be accepted:

TAXI COMPANY (NEW COMPANY):

Union Taxi LLC, 26 Joyce Street, Marino Corsino Owner – **Tabled. Motion made by Councillor Cyr to create a Waiting List and Union Taxi is the first name on list.**

TAXI DRIVERS (NEW) (Driving for New Company Above):

Abreu, Manuel, 20 Park St. - **Tabled**

Corsino, Marino, 176 Ocean St. #2- **Tabled**

Diroche, Danilo, 341 Summer St. - **Tabled**

Martinez, Miguel A. 23 Nahant St. #S-1- **Tabled**

Patricio, Pedro, 24 Bruce Pl- **Tabled**
 Peguero, Marcio, 21 Barrett Ct. - **Tabled**
 Suarez, Alberto, 23 Nahant St. - **Tabled**
 Tejeda, Mabel, 21 Bloomfield St. #1- **Tabled**
 Villar, Julio Cesar, 901 Western Ave. - **Tabled**

TAXI OPERATORS (NEW)

Garcia, Leovigildo, 144 Williams Ave.-90 day review (tabled 10/19/10- **DENY**)
 Khun, Mao, 14 Wardwell Place-60 day review (tabled 10/19/10 - **Granted**)
 Laverentios, James, 20 Neptune Blvd- 60 day review- **Granted**
 Tavaréz, Jose, 15 Belvidere Pl. 60 day review- **Tabled**
 Vargas, Victor, 67 Howard St. #2 - **Granted**

LIVERY SERVICE (NEW)

J & E Car Service, Jeff Augustin, 59 High Rock St - **Granted**

LIVERY OPERATORS (NEW)

Augustin, Jeff, 59 High Rock St. (Driving for new Livery Service) - **Granted**
 Laverentios, James, 20 Neptune Blvd-60 day review- **Granted**
 Mom, Rosa, 61 Masdison Ave. Everett, MA (Driving for new Livery Service) - **Granted**

PAWN BROKER – RENEWAL

4 Freeman Sq., Sherman Loan Company LLC- **Granted**
 2-4 Market Street, Linda's Jewelers- **Granted**

SECOND HAND ARTICLE-RENEWAL

810 Lynnway, Marcelino Jewelers- **Granted**
 2-4 Market Street, Linda's Jewelers- **Granted**
 693 Western Ave., S & M Treasure Chest - **Granted**

OLD GOLD & SILVER – RENEWAL

4 Freeman Sq., Sherman Loan Company, LLC- **Granted**
 2-4 Market Street, Linda's Jewelers- **Granted**

SIGN - NEW

834 Western Ave., Sadiyah's Salon- **Granted**

SIGN- RENEWAL

95 Union Street, Desi's Hair Designs- **Granted**
 274 Union Street, Law Office of Frank Sanchez- **Granted**
 144 Washington Street, Chiky's Hair Stylist- **Granted**

CLASS I AUTO DEALER-AUTO REPAIR, FLAMMABLE- RENEWAL

164A Blossom St. – Jim McLaughlin's Lynnway Truck Center (*also adding son Matthew J. McLaughlin as co-owner*) - **Granted**

CLASS II AUTO DEALER-AUTO REPAIR, FLAMMABLE-RENEWAL

164R Blossom St. – JEM Auto Sales, Inc. (*also adding son Matthew J. McLaughlin as co-owner*) - **Granted**

AUTO BODY, AUTO REPAIR, FLAMMABLE – RENEWAL (Previously TABLED)

15 Alley St. – Crystal Diamond Auto Body (has CORI issues, see probation letter.)- **Granted**

CANNING:

Lynn Jets Hockey (Adults Only) – November 26, 27, 2010- **Granted**

REPORT ACCEPTED.

Report of the November 16, 2010 Public Property Meeting recommending the following to be accepted:

Ordered that the owner, SN Servicing Corporation, owner of the property at 15-17 Rockingham Street, Lynn, be allowed to redeem the property with the stipulation that all taxes, fines, and fees be paid immediately. **(Lays over to November 30, 2010 Meeting).**
REPORT ACCEPTED.

Report of the November 16, 2010 Committee on Finance recommending the following to be accepted:

Ordered that the City Comptroller be and is hereby authorized to make the following Appropriation Transfer:

| | |
|---|-----------|
| From the Account of Collector's Expense | \$ 785.00 |
| To the Account of Collector's Payroll: | \$ 785.00 |

(Lays over to November 30, 2010)

| | |
|--|------------|
| From the Account of Awards & Executions | \$1,734.58 |
| To the Account of Unpaid Bills of Prior Year (Law Department) | \$1,734.58 |

(Lays over to November 30, 2010)

| | |
|--|-----------|
| From the Account of DPW Expense: | \$ 484.03 |
| To The Account of Unpaid Bills of Prior Year | \$ 484.03 |

(Lays over to November 30, 2010)
REPORT ACCEPTED.

NEW BUSINESS:

Councillor Cyr alerted Councillors regarding the theft of aluminum benches at three of his parks in his Ward and asked Councillor to make sure their parks were locked.

A True Copy Attest:

CITY CLERK