

**CITY OF LYNN****Regular City Council Meeting, April 13, 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 March 23, 2010.  
Motion carried.**

**Motion made by Councillor Lozzi and seconded by Councillor Crowley to suspend the rules to present plaques to the St. Pius CYO Cadets Girls Basketball Team – Mass State Champs.  
Motion carried.**

**COMMUNICATIONS:****Communication from Richard Fortucci, Treasurer:**

Dear Councilors:

The City of Lynn has foreclosed on the following properties:

15 Groveland Street – Owner: Frank & Marie Rocker

Liberty Street – Owner: Alex J. & Alexandra Alcindor

Sincerely, Richard J. Fortucci

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

**Motion carried.**

**PUBLIC HEARINGS:**

Petition of All Care VNA, Shawn Potter, Pres. & CEO, for permission to construct a general office building on a light industrial zoned parcel at Market & Broad Streets.

**Councillor Cahill recused himself from voting on the petition due to a conflict, and Council President Phelan stated that Councillor Crowley would abstain due to a conflict.**

The following appeared in Favor:

Attorney Richard Cuffe

James Cowdell, EDIC Director

John Olson, Chambers

Ron Mendez, Chambers

Bill Adrian, 23 MaryEllen Drive, Lynn  
 Brian Deveau, 141 Edgemere Road, Lynn  
 Mayor Judith Flanagan Kennedy, Lynn  
 Calvin Anderson, 12 Concord Street, Lynn  
 Nancy Creamer, 62 Oakridge Circle, Lynn  
 Amanda Creamer, 62 Oakridge Circle, Lynn  
 Robin Hernado, 68 Eastern Avenue, Lynn  
 Kathy McCarthy, 22 Groveland Street, Lynn  
 Ms. Corente, 44 Mountain Avenue, Lynn  
 Donna Fields, 23 MaryEllen Drive, Lynn  
 Shawn Potter, President, VNA (submitted list of Lynn VNA employees in support)  
 Eric Healey, 49 Munroe Street, Lynn

Akaterina Panagrotakis, Lynn  
 Council President Phelan noted that James Marsh, Director of the Office of Economic and Community Development sent a letter of Support.

The Following Appeared in Opposition:

Joan Bastone, 7 Liberty Square, Lynn (submitted list of signatures in Opposition)  
 Cory Jackson, 7 Central Square, Lynn  
 Kevin Stanton, 7 Central Square, Lynn  
 Joslin Aym-Testa, 77 Edgehill Road, Lynn  
 Seth Albaum, 7 Central Square, Lynn  
 Kristen Korpus, 54 Central Square, Lynn  
 Soraya Cacici, 13 Willow Street, Lynn  
 Cheryl Crouse, 54 Central Square, Lynn  
 Sarah Johnson, 7 Central Square, Lynn  
 Doug Maitland, 41 Lynnshore Drive, Lynn

**PUBLIC HEARING CLOSED.**

**Motion made by Councillor Crighton and seconded by Councillor Cyr to grant the prayer of the Petitioner with the following stipulations:**

1. **Only handicapped parking on site.**
2. **Any on-site dumpster must be completely enclosed.**
3. **Security lighting/spotlights and cameras on garage side of building.**
4. **PILOT Agreement: No Less than \$10,000 for the first three (3) years; No Less than \$20,000. annually for the next two years; and No Less than \$35,000. annually thereafter.**
5. **Substantial landscaping on all sides of the building, including a minimum two (2) Dozen mature evergreen trees.**
6. **Final building plan subject to Site Plan Review.**

**Motion carried by the following yea and nay vote:**

**9 YES 0 NO (Councillor Cahill absent; Councillor Crowley abstained)**

Petition of Omar Fernandez, Santo Domingo Liquors for permission to transfer an existing all alcoholic beverages License from 86-88 Newhall Street to 224-226 Union Street.

The following appeared in Favor:

Chris Bibby requested to withdraw the petition.

The following appeared in Opposition:

Calvin Anderson, 12 Concord Street

**Public Hearing Closed.**

**Motion made by Councillor Colucci and seconded by Councillor Ford to DENY.**

**Motion carried by the following yea and nay vote:**

**10 YES 0 NO (Councillor Duffy absent at vote).**

Petition of David Addario, Patriot Recycling for permission for a contractor's yard with parking for 1 truck at 20 Cooper Street.

The following appeared in Favor:

David Addario

No one appeared in Opposition.

**Public Hearing Closed.**

**Motion made by Councillor Capano and seconded by Councillor Cyr to grant with the following stipulations: Use Cooper Street as entrance and exit and avoid residential area; and scrap metal to be contained in self-enclosed yard that exists now.**

**Motion carried by the following ye a and nay vote:**

**10 YES 0 NO (Councillor Duffy absent at vote).**

**PUBLIC HEARINGS TO BE SET DOWN ON MAY 11, 2010:**

- Petition of Michael Iovanna, for permission for a sign permit at Pride Hyundai, 777-793 Lynnway
- Petition of Donald Jaynes, Jaynes Industrial Moving, Inc. for permission to rent rooms in a Heavy Industrial area to musicians and artists at 69 Bennett Street with hours of operation from 8:00 a.m. to 12:00 a.m.
- Petition of Oliver Toomey, Clerk, Neighborhood Development Association for permission to allow construction of a single family home in a business district with less than the required area (4,634 s.f.) at 393 Summer Street.
- Petition of David J. Potter, 92 Brookline Street, LLC, for permission for an Apartment House Use in Light Industrial District (Lesser use) at 92, 118-120 Brookline Street.
- Petition of Comcast for permission to install (2) 4" PVC conduits, 294'± in a Northerly Direction from Pole #1-2 at the corner of High Street and Baldwin Street, to existing pole 2017/2 on Baldwin Street to provide service to 424 Essex Street

-Petition of Gregory S. Boudreau, for permission to build a three car garage on existing new single family house at 23 Apple Hill Lane.

**Motion made by Councillor Capano and seconded by Councillor Crowley to set down for Public Hearings on May 11, 2010.**

**Motion carried.**

**UNFINISHED BUSINESS:**

**To be adopted permanently: (Previously adopted with an Emergency on February 9, 2010):**

Ordered that the City of Lynn accept the provisions of Chapter 77 of the Acts of 2005, "An Act Further Regulating Salaries of Public Employees Serving the Armed Forces of the United States," as amended. Said act provides that an employee eligible under this section shall be paid his regular base salary as a public employee for each pay period of military leave of absence after September 11, 2001, reduced by any amount received from the United States as base pay for military service performed during the same pay period. For purposes of this section, base pay shall not include any allowances, overtime pay, shift differential pay, hazardous duty pay or any other additional compensation received for military service.

**Motion made by Councillor Cahill and seconded by Councillor Lozzi to grant.**

**Motion carried by the following ye and nay vote:**

**10 YES 0 NO (Councillor Duffy absent at vote).**

**Laid over from Finance Meeting of March 23, 2010:**

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

From the Account of Reserve Fund:	\$6,000.00
To the Account of Unpaid Bills of Prior Years (Care of Dogs):	\$1,200.00
And Account of Care of Dogs Expense:	\$4,800.00

**Motion made by Councillor Ford and seconded by Councillor Crowley to grant.**

**Motion carried by the following ye and nay vote:**

**10 YES 0 NO (Councillor Duffy absent at vote).**

From the Account of Parking Meter Receipts:	\$17,200.00
From the Account Reserve Fund:	\$13,600.00
To the Account of Parking Expense:	\$30,800.00

**Motion made by Councillor Ford and seconded by Councillor Crowley to grant.**

**Motion carried by the following ye and nay vote:**

**10 YES 0 NO (Councillor Duffy absent at vote).**

**COMMITTEE REPORTS:**

**Report of the April 13, 2010 Committee on Ordinance recommending the following to be accepted:**

An Ordinance Requiring Door-to-Door Solicitors to Obtain a Permit from the City Council of the City of Lynn. **(Granted - Lays over to April 27, 2010)**

An Ordinance Prohibiting the Sale of Drug Paraphernalia in the City of Lynn. **(Granted - Lays over to April 27, 2010).**  
**REPORT ACCEPTED.**

**Report of the April 13, 2010 Committee on Public Safety recommending the following to be accepted:**

The following individuals have been approved as Constables:

Stuart G. Lamb, 1 Upland Road, Marblehead - **Granted**

Ritchie Compton, 45 Averill Street, Lynn- **Granted**

Harry Bornstein, 5 Rockingham Street, Lynn - **Tabled**

Donald Hurwitz, 5 Marion Road, Marblehead- **Granted**

Michael Thompson, 25 Cora Street, Winthrop – **Granted**

**MAJORITY APPROVED IN COMMITTEE, WITH COUNCILLOR CAHILL VOTING NO ON OUT OF TOWN APPLICANTS.**  
**REPORT ACCEPTED.**

**Report of the April 13, 2010 Committee on License recommending the following to be accepted:**

**TAXI OPERATORS (NEW)**

Augustine, Nyandwi, 178 Central Ave. Chelsea -60 day review

Biatini, Pelagro, 22 Morris St. -90 review

Brenegan, Kevin, 15 Amity St.

Cabrera, Juan M., 39 Newhall St. #15

Frias, Ysidra, 160 Neptune Blvd. #208-30 day review

Grullon Jose Edilio, 10 Boylston St.

Marroquin, Luis, 124 Essex St.

Riley, William M.-2 Elmore St. #3

Rivera, Daniel 6 Wilson Terr.

Rosa, Randy, 4 Acorn St. #2-Denied 2/25/10 for not appearing

Ruiz, Melvin, 12 #B1

Spillane, John, 34 Nahant St. #1- 60 day review

Tower, Nicholas, 24 Jenness St.

Williams, Nacin J., 9 Deer Park-90 day review

**LIVERY OPERATORS – NEW**

Santiago, Anthony, 33 Harwood St – 30 day review.

Santiago, Luis, 16 Vine Ave. Winthrop-30 day review

**LIVERY SERVICE - NEW**

GREEN PASSAGE TRANSPORTATION LLC, 33 HARWOOD ST. Anthony & Luis Santiago owners-(in process of a loan with EDIC for vehicles.)-30 day review

**SECOND HAND ARTICLE – NEW**

844 Western Avenue, Gonzalez Refrigeration (Doesn't own Building)

**BOWLING ALLEY – RENEWAL**

73 Buffum Street, Lucky Strike Recreation, Inc.

**JUNK DEALER'S – RENEWAL**

225 Commercial Street, Turner Inc.

**FLAMMABLE LICENSE (NEW)**

266-270 Summer St., McGrath Enterprises

**FLAMMABLE LICENSE, (RENEWAL)**

170 Alley St., Purity Oil Co.

59-61 Commercial St., McGrath Realty Trust

180 Commercial St., Lynn Lumber Co., Inc

225 Commercial St., Turner Inc.

101 Harbor St., All Welding Supply Inc.

87 Marion St., Demakes Enterprises, Inc.

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

37 Waterhill St., Demakes Enterprises, Inc.

2 Western Ave., Dom's Oil Co.

240 Western Ave., Gibbs Oil Co. Limited Partnership

621-625 Western Ave., Stop Quick Market (owes taxes but does not own building)

**AUTO BODY, AUTO REPAIR, FLAMMABLE, (RENEWAL)**

26 Bennett St., Classic Auto Body, Inc.

46 Bennett St., Polo Auto Body (check on hours of operation 7 days, 8 AM TO 10 PM?)

47 Bennett St., R.E.M. Auto Body

**AUTO REPAIR, FLAMMABLE, (RENEWAL)**

36 Alley St., McGinn Bus Company, Inc.

47 Boston St., Happy Valley Automotive

606R Boston St., Barry Park Foreign & Domestic Car Service

8 Burrus Sq., Jesus Auto Repair

307 Eastern Ave., Ed Fleming's Garage, Inc.

617 Lynnway, New Angle Glass Co.

905 Western Ave., S & S Auto Repair

1071 Western Ave., Ana Auto Repair (owes taxes but does not own building)

**CANNING**

Knights of Pythias (Adults Only) – May 23, 2010

Connery Post Six Baseball (Adults Only) – June 21-23, 2010

East Lynn Little League (Adults Only) – April 29-30, 2010 & May 1, 2010

**OTHER BUSINESS:**

**Motion made by Chairman Cyr and seconded by Councillor \_\_\_\_\_ that any request for information regarding an individual permit/license be made in writing.**

**Motion carried.**

**REPORT ACCEPTED.**

**NEW BUSINESS:**

**Motion made by Councillor Cahill and seconded by Councillor Crighton to adopt the following Resolution for Ireland.**

**RESOLUTION**

Whereas, Ireland and its people are an ancient and distinct nation; and

Whereas, Ireland is an island Nation that has throughout her history been comprised of 32 counties, artificially divided into a 26 county (The Irish Republic) and a 6 county (Northern Ireland) unit in the 1920's; and

Whereas, this artificial, forced Division of the Irish Nation was designed to be a transitory answer to the 1920's issues; and

Whereas, history has demonstrated that the Irish people have a right and responsibility to govern themselves; and

Whereas, Human and civic rights derive "their just powers from the consent of the governed" and are best guaranteed by the people's freely instituted, duly elected and independent government; and

Whereas, the Irish Republic is a member of the European Economic Union and a unified, independent Irish economy is the most effective way to grow that economy and the most fair and impartial path to extend the benefits of such growth to all Ireland and

Whereas, a unified, independent Irish Police Service and Justice System is necessary to be effective, fair, and impartial; and

Whereas, a unified, independent Irish society is most likely to provide for the social and practical Needs of its people; and

Whereas, the historic Good Friday agreement, negotiated with American support, and ratified by the English and Irish governments, as well as a vote of the entire island of Ireland, includes provisions for achieving a United Ireland

through purely democratic and peaceful means and provides for the development of North/South Institutions in cross-border cooperation; and

Whereas, The United States and the City of Lynn have greatly benefited from the contributions of the sons and daughters of Ireland; and

Whereas, the democratic reunification of Ireland is the ultimate roadmap to peace and prosperity for the Irish nation and people; now, therefore, be it

**RESOLVED, BY THE COUNCIL OF THE CITY OF LYNN,** that Council does hereby call on the English and Irish governments to take immediate steps necessary to bring to fullness the promise of the All Ireland institutions called for the and envisioned by the Good Friday Agreement, request the Irish government to formally study the implications of the United Ireland and outline steps fundamental to restore the Irish Nation and publicly report their findings and plans, and respectfully suggests that the Irish government move without delay to further and peaceful healing of the Irish nation by granting duly elected northern MP's "Speaking Rights" in the Irish Parliament and expand the voting rights for the Irish President to the citizens of the six counties of the North of Ireland.

**FURTHER RESOLVED,** That an engrossed copy of this resolution be presented to the Lynn Ancient Order of Hibernians as evidence of the sincere sentiment and recognition of\* this legislative body

**President of Council:**

Timothy Phelan

**Introduced by:**

Daniel F. Cahill & Brendan P. Crighton

**Sponsored by Council members:**

Daniel F. Cahill	Stephen J. Duffy
Peter L. Capano	Richard J. Ford
Richard C. Colucci	Wayne A. Lozzi
Brendan P. Crighton	Timothy Phelan
Paul T. Crowley	William R. Trahant, Jr
Darren P. Cyr	

**Motion carried by the following yea and nay vote:  
10 YES 0 NO (Councillor Duffy absent at vote).**

**Motion made by Councillor Colucci and seconded by Councillor Cyr 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**