

CITY OF LYNN**Regular City Council Meeting, May 25, 2010
Council President Timothy Phelan Presiding**

10 Councillors Present (Councillor Crowley absent)
Moment of Silence
Pledge of Allegiance

Motion made by Councillor Colucci and seconded by Councillor Cyr to accept the Meeting Minutes of May 11, 2010.

Motion carried.

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

Dear Councilors:

I am hereby reappointing Kathy Wrynn to the Lynn Historical Commission. Ms. Wrynn's term is effective retroactive to February 24, 2010 and will expire on February 24, 2013. Sincerely, Judith Flanagan Kennedy, Mayor of Lynn

Motion made by Councillor Colucci and seconded by Councillor Cyr to suspend the rules to reappoint Kathy Wyrnn to the Lynn Historical Commission, effective retroactive to February 24, 2010 and will expire on February 24, 2013.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councillor Crowley absent).

Communication from Her Honor the Mayor:

Dear Councilors:

I am hereby reappointing Carl Greenler to the Lynn Historical Commission. Mr. Greenler's term is effective retroactive to February 24, 2009 and will expire on February 24, 2012. Sincerely, Judith Flanagan Kennedy, Mayor of Lynn

Motion made by Councillor Colucci and seconded by Councillor Cyr to suspend the rules to reappoint Carl Greenler to the Lynn Historical Commission, effective retroactive to February 24, 2009 and will expire on February 24, 2012.

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councillor Crowley absent).

Communication from Her Honor the Mayor:

Dear Councilors:

I am hereby reappointing Patricia Lee to the Lynn Historical Commission. Ms. Lee's term is effective retroactive to February 24, 2008 and will expire on February 24, 2011. Sincerely, Judith Flanagan Kennedy, Mayor of Lynn

Motion made by Councillor Colucci and seconded by Councillor Cyr to suspend the rules to reappoint Patricia Lee to the Lynn Historical Commission, effective retroactive to February 24, 2008 and will expire on February 24, 2011.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Crowley absent).

Communication from Her Honor the Mayor:

Dear Councilors:

I am hereby reappointing Calvin Anderson to the Lynn Historical Commission. Mr. Anderson's term is effective retroactive to February 24, 2010 and will expire on February 24, 2013. Sincerely, Judith Flanagan Kennedy, Mayor of Lynn

Motion made by Councillor Colucci and seconded by Councillor Cyr to suspend the rules to reappoint Calvin Anderson to the Lynn Historical Commission, effective retroactive to February 24, 2010 and will expire on February 24, 2013.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Crowley absent).

Communication from Her Honor the Mayor:

Dear Councilors:

I am hereby appointing Aikaterini Panagiotakis to the Lynn Historical Commission. Ms. Panagiotakis's term is effective immediately and will expire on February 24, 2013. Sincerely, Judith Flanagan Kennedy, Mayor of Lynn

Motion made by Councillor Colucci and seconded by Councillor Cyr to suspend the rules to appoint Aikaterini Panagiotakis to the Lynn Historical Commission, effective immediately and will expire on February 24, 2013.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Crowley absent).

Communication from Her Honor the Mayor:

Dear Councilors:

As you may be aware, I discovered on May 14, 2010, that members of Lynn's Zoning Board of Appeals, who have been appointed by the Lynn City Council for at least the past

25 years, are required under state law to be appointed by the Mayor. In order to preserve both the current and past boards, I am taking the following actions:

1. The appointments of all Regular Members of the present Board of Appeals are hereby ratified, and are deemed to have expired as of May 14, 2010.
2. The appointments of all Associate Members of the Board of Appeals, which were designated in accordance with state law, remain unaffected, and those individuals shall continue to serve as Associate Members until their present terms expire.
3. The appointments of all Regular and Associate Members of any past Board of Appeals that were improperly constituted under state law are hereby ratified, as are the dates upon which their terms expired.
4. I have re-appointed, on a temporary basis, the five (5) individuals who have been improperly appointed to the present Board of Appeals. These temporary appointments are effective immediately, and will expire on July 2, 2010.
5. I have placed a posting on the City's bulletin board advertising five (5) vacancies on the City's Board of Appeals. Pursuant to the City Charter, this notice will be posted through June 1, 2010. The openings will also be advertised in the Lynn tem and on the City's website.

Please call me if you have any questions. Very truly, Judith Flanagan, Kennedy, Mayor

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

Motion carried by the following yea and nay vote

9 YES 0 NO (Councillor Crowley absent, Councillor Phelan abstained).

Communication from Her Honor the Mayor:

Dear Councilors:

Pursuant to Article 2, Section 2-5 of the Lynn City Charter, I hereby designate Jeanne M. Curley to perform the duties of a regular member of the Zoning Board of Appeals. This appointment is effective immediately, and will expire on July 2, 2010. I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the City of Lynn. Yours truly, Judith Flanagan Kennedy, Mayor of Lynn

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

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Crowley absent).

Communication from Her Honor the Mayor:

Dear Councilors:

Pursuant to Article 2, Section 2-5 of the Lynn City Charter, I hereby designate Kathryn P. Brown to perform the duties of a regular member of the Zoning Board of Appeals. This appointment is effective immediately, and will expire on July 2, 2010. I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the City of Lynn. Yours truly, Judith Flanagan Kennedy, Mayor of Lynn

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

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councillor Crowley absent, Councillor Phelan abstained).

Communication from Her Honor the Mayor:

Dear Councilors:

Pursuant to Article 2, Section 2-5 of the Lynn City Charter, I hereby designate Patrick B. Calnan to perform the duties of a regular member of the Zoning Board of Appeals. This appointment is effective immediately, and will expire on July 2, 2010. I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the City of Lynn. Yours truly, Judith Flanagan Kennedy, Mayor of Lynn

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

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Crowley absent).

Communication from Her Honor the Mayor:

Dear Councilors:

Pursuant to Article 2, Section 2-5 of the Lynn City Charter, I hereby designate John A. Volo to perform the duties of a regular member of the Zoning Board of Appeals. This appointment is effective immediately, and will expire on July 2, 2010. I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the City of Lynn. Yours truly, Judith Flanagan Kennedy, Mayor of Lynn

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

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Crowley absent).

Communication from Her Honor the Mayor:

Dear Councilors:

Pursuant to Article 2, Section 2-5 of the Lynn City Charter, I hereby designate Norman R. Cole to perform the duties of a regular member of the Zoning Board of Appeals. This appointment is effective immediately, and will expire on July 2, 2010. I certify that said person is qualified to perform the duties which will be required and that I make this designation solely in the interests of the City of Lynn. Yours truly, Judith Flanagan Kennedy, Mayor of Lynn

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

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Crowley absent).

Communication from the Office of Economic and Development / Donald Walker:

Dear Councilors:

On behalf of the Office of Economic and Community Development and the Lynn Housing Authority and Neighborhood Development, I am requesting that you schedule a public hearing with the Lynn City Council on Tuesday, July 13, 2010. The purpose of this hearing is to allow public input to the City's Five Year Consolidated Plan/Annual Action Plan, including the use of the Department of Housing and Urban Development's appropriations for the Community Development Block Grant (\$2,756,317), Emergency Shelter Grant (\$111,328), HOME (\$1,084,120) and Housing Opportunities for persons with Aids Programs (\$355,028). Upon confirmation of this hearing date, our office will prepare a legal notice that will be advertised in the Daily Evening Item at least two weeks prior to the hearing date. Sincerely, Donald Walker.

Motion made by Councillor Cyr and seconded by Councillor Crighton to set down for Public Hearing.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Crowley absent).

PUBLIC HEARINGS:

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 (Colucci)

The following appeared in Favor:

Tim Broderick, Comcast

No one appeared in Opposition.

Public Hearing Closed.

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

Motion made by Councillor Cahill to amend to stipulate that all the neighbors be notified when the work is to begin and if there will be any interruptions in service.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Crowley absent).

PUBLIC HEARINGS TO BE SET DOWN:

-Public Hearing FY11 Budget for City of Lynn

-Petition of Verizon, E. Everette Bryan, for permission to place approximately 344 feet of underground conduit from existing jointly owned pole on northerly side, running southerly and easterly to private property at 49 Atlantic Terrace.

-Petition of Verizon, E. Everette Bryan, for permission to place approximately 75 feet of underground conduit from existing jointly owned pole on Easterly side, running southerly and easterly to intersection with Oceanside Terrace. Then from existing jointly owned pole on Southerly side of Oceanside Terrace, approximately 110 feet of underground conduit westerly to intersection with Eastern Avenue.

-Petition of Verizon, E. Everette Bryan, for permission to place approximately 106 feet of underground conduit on Stanley Terrace from existing jointly owned pole, southerly to intersection with Western Avenue.

-Petition of Verizon, E. Everett Bryan, for permission to place approximately 131 feet of underground conduit on Western Avenue from existing Verizon Manhole on the northerly side at the intersection with Spencer Street, Westerly to intersection with Stanley Terrace.

Motion made by Councillor Trahant and seconded by Councillor Capano to set down for Public Hearings.

Motion carried.

UNFINISHED BUSINESS:

Accept Letter of Withdrawal from David Potter, relative to the petition for 118-20 Brookline Street.

Motion made by Councillor Cyr and seconded by Councillor Capano to accept Letter of Withdrawal.

Motion carried.

COMMITTEE REPORTS:

Report of the May 25, 2010 Committee on Ordinance recommending the following to be accepted:

An Ordinance Amending the Zone Ordinance of the City of Lynn (Home Occupation. **(Granted – Lays over to June 8, 2010 Meeting).**

REPORT ACCEPTED.

Report of the May 25, 2010 Committee on Public Safety recommending the following to be accepted:

The following individuals have been appointed Constables:

Rafael Subero, 81 O'Callaghan Way, Lynn - **Granted**
 James Appleyard, 5 Riverview Hill, Essex – **Granted**
REPORT ACCEPTED.

Report of the May 25, 2010 Committee on Minor Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW)

Fournier, Sean, 85 Newcastle St. #408-tabled (4/27/10 family emergency) - **Granted**
 Hodgdon, Christopher Allen, 8 Summer St. Pl. #2-30 Day Review- **Granted**
 Livingston, David, 42 W. Baltimore St.-60 Day Review- **Granted**
 Ruiz, Melvin, 12 Border St. #B1-30 Day Review- **Granted**
 Sandler, Mark, 30 Sculpin Way, Swampscott- **Granted w/30-60-90**

LIVERY OPERATORS (NEW)

Santiago, Anthony, 33 Harwood St.-60 Day Review- **Granted**
 Santiago, Luis, 16 Vine Ave. Winthrop-60 Day Review- **Granted**

LIVERY BUSINESS (NEW)

33 Harwood Street ,Green Passages Transportation -60 Day Review- **Granted**

SIGN LICENSE – RENEW

18b Alley Street, Carribean Auto Stop- **Granted**
 60 Bennett Street, Bennett Street Tire& Glass- **Granted**
 524 Boston Street, Loomos Bros Inc- **Granted**
 411 Broad Street, Meineke- **Granted**
 322 Broadway, W.L. Winston Inc- **Granted**
 1 Central Square, Dunkin Donuts (tabled at May 11, 2010 for taxes** taxes paid in full- **Granted**
 348 Chestnut Street, Chestnut Liquors- **Granted**
 518 Chestnut Street, Mr. Specs Opticians- **Granted**
 121 Essex Street, Welch Florist- **Granted**
 188 Essex Street, Charlie's Seafood- **Granted**
 403 Essex Street, Lynn New Market (taxes owed) does not own property - **Tabled**
 15 Lewis Street, Giovanni's House of Pizza- **Granted**
 171 Lewis Street, C.T. Liquor Store- **Granted**
 207 Lewis Street, Beachside Roastbeef (taxes owed) does not own property- **Tabled**
 451 Lynnway, Lancelot Janitorial & Paper Goods- **Granted**
 500 Lynnway, Ital Marble - **Granted**
 525 Lynnway, Spiros Energy- **Granted**
 17 Market Square, People's Choice- **Granted**
 23 Market Square, Del Pueblo Market- **Granted**
 70-74 Market Street, Tatianias- **Granted**

95 Munroe Street, Beden Hardware- **Granted**
 111 Sagamore Street, Blue Note Lounge - **Granted**
 1a Union Street, Santa Beauty Salon- **Granted**
 209 Washington Street, Family Market- **Granted**
 340 Washington Street, Express Checkout- **Granted**
 465 Washington Street, Panakio Adjusters- **Granted**
 510 Washington Street, Michael Russo Jr. Plumbing- **Granted**
 263 Washington Street, Lifetime Alum Products- **Granted**

DOOR TO DOOR SALES PERMIT-NEW

4931 n 300 W. Provo, Utah, Apx Alarm – **Granted to June 30, 2010 with stipulations: Hours 4-8 p.m., Monday –Friday; 1-7p.m. on Saturday; Do not leave material.**

FLAMMABLE LICENSE, (RENEWAL)

140 Linwood St., Action Ambulance Service, Inc. - **Granted**
 525 Lynnway, Spiros- **Granted**
 229 Broadway, Richdale- **Granted**
 780 Lynnway, Walmart- **Granted**
 12 Washington St., Arctic Circle Station- **Granted**
 1069 Western Ave., Fisher Auto Parts, Inc. - **Granted**

AUTO BODY, AUTO REPAIR, FLAMMABLE, (RENEWAL)

220 Chestnut St., Auto Body Rebuilders- **Granted**
 92 Harbor St., Urban Auto Body- **Granted**

AUTO REPAIR, FLAMMABLE, (RENEWAL)

17B Rear Alley St., Magic Auto Repair- **Granted**
 50 Bennett St., Landry Automotive- **Granted**
 60 Bennett St., Bennett St. Tire & Glass- **Granted**
 84 Bennett St., Joselo Auto Repair- **Granted**
 411 Broad St., Meineke Car Care- **Granted**
 106 Chestnut St., Los V Tires **(taxes still owed by owner of property sent letter for business owner and property owner to appear at meeting) – Granted for 30 Days**
 503R Chestnut St., A.J.'s Auto Service- **Granted**
 131 Commercial St., North Shore Car Rental Corp. - **Granted**
 250 Commercial St., City of Lynn Maintenance Garage- **Granted**
 12A Ellis St., Mora Auto Repair **(Open cases on CORI, sent letter to appear at meeting) - Granted**
 407 Essex St., Reynolds Auto Repair- **Granted**
 637 Lynnway, Sullivan Tire- **Granted**
 1071 Western Ave., Ana Auto Repair **(tabled 4/13/10 for taxes owed – now paid) - Granted**
 1071R Western Ave., Angel Auto Repair **(tabled 4/13/10 for taxes owed – now paid) - Granted**
 1147 Western Ave., Stoneham Boat Center, Inc. - **Granted**

AUTO REPAIR, FLAMMABLE (NEW)

106 Chestnut St., Duran Auto Repair (taxes owed by owner of property sent letter for business owner and property owner to appear at meeting, same property owner as Los V Tires) – Granted for 30 Days

CANNING:

Salvation Army (Adults Only) – September 3, 4, 2010- **Granted**

Greater Lynn Babe Ruth (Adults Only) – June 3, 4, 5, 2010 - **Granted**

OTHER BUSINESS:

Jerry's Auto Care – Temporary Approval to June 8, 2010. Hours: Monday – Friday 7:00 a.m. – 6:00 p.m.; Saturday 7:00 a.m. – 4:00 p.m., not a storage lot.

REPORT ACCEPTED.

Report of the May 25, 2010 Committee on Public Property recommending the following to be accepted:

Ordered that the owner, Kenneth Fournier, of the property at 77 Lockwood Road be allowed to redeem the property and that all taxes, fines, and fees be paid within 45 days.

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 that the owner, Kenneth Fournier, of the property at 77 Lockwood Road be allowed to redeem the property and that all taxes, fines, and fees be paid within 45 days.

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:

10 YES 0 NO (Councillor Crowley absent).

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

10 YES 0 NO (Councillor Crowley absent).

Ordered that the city owned parcel at 15 Dearborn Avenue (020-312-024) be conveyed to Neighborhood Development Associates, Inc., for re-use through the Infill Housing Program.

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 that the city owned parcel at 15 Dearborn Avenue (020-312-024) be conveyed to Neighborhood Development Associates, Inc., for re-use through the Infill Housing Program.

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 Crowley absent, Councillor Duffy abstained).
 Emergency Order was then adopted by the following ye and nay vote:
 9 YES 0 NO (Councillor Crowley absent, Councillor Duffy abstained).**

Motion to approve a license agreement by and between MWRA and the City of Lynn to effectuate repairs to the Lynnfield/Saugus water line and authorizes Her Honor the Mayor to execute same.

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 a motion to approve a license agreement by and between MWRA and the City of Lynn to effectuate repairs to the Lynnfield/Saugus water line and authorizes Her Honor the Mayor to execute same.

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:

10 YES 0 NO (Councillor Crowley absent).

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

10 YES 0 NO (Councillor Crowley absent).

Request from EDIC Director to approve an agreement between the City of Lynn and Seacrest Foods International relative to “approximately 15 feet of city-owned land at 96 Bennett Street. – **TABLED**

REPORT ACCEPTED.

NEW BUSINESS:

Motion made by Councillor Trahant and seconded by Councillor Cahill to grant the following Resolution in opposition of the proposed project to construct a Lowe’s Home Improvement Retail Store, a Walmart Store and expanded Meineke:

RESOLUTION

RESOLUTION IN OPPOSITION TO THE PROPOSED PROJECT TO CONSTRUCT/EXPAND A LOWE’S HOME IMPROVEMENT RETAIL STORE, A WALMART STORE AND EXPANDED MEINEKE

WHEREAS: The Kennedy Development Group, Inc. has applied for Site Plan Review with the City of Salem Planning Board for the property located at 440, 460, 462 and 488 Highland Avenue (map 3, Lots 1, 2, 3, and 3) Salem, MA (proposed new Lowe’s Home Improvement retail store, new expanded Walmart store and expanded Meineke store).

WHEREAS: The proposed project immediately abuts the City of Lynn.

WHEREAS: The proposed project will have a detrimental impact upon the health, safety and welfare of the citizens of the City of Lynn and surrounding areas.

WHEREAS: The proposed project will result in increased traffic congestion to commuters entering and exiting Salem and Lynn along Western Avenue and Highland Avenue.

WHEREAS: The proposed project will decrease property values of neighboring homes and commercial properties in the surrounding area.

WHEREAS: The proposed project will exacerbate existing drainage issues in Coolidge Road/ Buchanan Circle area.

WHEREAS: The proposed project will adversely effect natural wooded areas and the Spring Pond area in cities of Lynn, Salem and Peabody.

WHEREAS: The proposed project will have a negative aesthetic impact to the area. **BE IT**

RESOLVED: The Lynn City Council hereby resolves that the City of Lynn formally opposes the proposed project. **BE IT FURTHER**

RESOLVED: The Lynn City Council orders that a copy of this Resolution be forwarded to the Salem Planning Board and Mayor of the City of Salem. **BE IT FURTHER**

RESOLVED: The Lynn City Council orders that a copy of this Resolution be forwarded to the City of Lynn Planning Board with a request that the City of Lynn Planning Board initiate all necessary legal actions to oppose the proposed project.

(Sponsored by Timothy Phelan, Council President, Daniel F. Cahill, Councilor-At-Large and William R. Trahant, Jr., Councillor Ward Two)

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Crowley absent).

Motion made by Councillor Colucci and seconded by Councillor Cahill 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