

CITY OF LYNN

**Regular City Council Meeting, June 22, 2010
Council President Timothy Phelan Presiding**

11 Councillors Present
Moment of Silence
Pledge of Allegiance

Motion made by Councillor Colucci and seconded by Councillor Crowley to accept the Meeting Minutes of May 25, 2010 and June 8, 2010.

Motion carried.

PUBLIC HEARINGS:

Public Hearing – “FY2011 Budget”

The following appeared in Favor:

Mayor Judith Flanagan Kennedy

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Cahill and seconded by Councillor Crighton to zero out the position of Impound Agent of the Parking Department.

Motion FAILED on the following yea and nay vote:

1 YES 10 NO (Councillor Cahill voting YES).

Motion made by Councillor Colucci and seconded by Councillor Crowley to approve the FY’2011 Budget in the amount of \$239,528,629.00.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Verizon, E. Everett 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.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Cyr and seconded by Councillor Crowley to table and request a representative from Verizon to forward the number of above ground control boxes and their locations in the City of Lynn.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Colucci absent at vote)

Petition of Verizon, E. Everett 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.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Verizon, E. Everett 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.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

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.)

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councillor Lozzi and seconded by Councillor Cyr that Verizon be requested to provide the name of a contact who is responsible for ensuring that public and private property is made whole after underground work being performed.

Motion carried.

COMMITTEE REPORTS:

Report of the June 22, 2010 Committee on Public Safety recommending the following to be accepted:

The following individual was appointed Constable:

George H. Hartling, Jr., 37 Peach Highlands, Marblehead – **Granted**

Ordered that Her Honor the Mayor, the Chief of the City of Lynn Fire Department and the Chief Financial Officer are hereby authorized to execute all necessary documents and agreements to purchase and finance for a term of four years, a 2010 Seagrave Marauder II 100' rear mount Force aerial ladder truck. The lease will be entered into with California First National Bank and the total amount to be financed shall be \$872,616.00

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 that Her Honor the Mayor, the Chief of the City of Lynn Fire Department and the Chief Financial Officer are hereby authorized to execute all necessary documents and agreements to purchase and finance for a term of four years, a 2010 Seagrave Marauder II 100' rear mount Force aerial ladder truck. The lease will be entered into with California First National Bank and the total amount to be financed shall be \$872,616.00

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 June 22, 2010 Committee on Minor Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW)

Garcia, Leovigildo, 144 Williams Ave.- **Tabled**

Mator, Miguel, 12 Lafayette Park - **Granted**

Mencia, Israel, 2 Rogers Ave.-Suspended 6/8/10 - **Denied**

Tower, Nicholas, 24 Jenness St.-Suspended 6/8/02 - **Denied**

LIVERY OPERATORS (NEW)

Griffith, William, 46 Bulfinch St. - **Granted**

DOOR TO DOOR SALES - NEW

115 North Street, A & A Services 7 solicitors (*Romario Bazile - open record*)- **Granted to 8/10/10**

SIGN LICENSE – RENEW

170 Broad Street, Champion Bar & Grill- **Granted**

451 Broad Street, Concord Electric Supply LTD- **Granted**

229 Broadway, Richdale Convenience Store- **Granted**

328A Broadway, The Lazy Dog Sports Bar- **Granted**

158 Chestnut Street, Santo Domingo Grocery- **Granted**

544 Chestnut Street, Maya Multi-Services- **Granted**

102 Central Avenue, The Sign Store- **Granted**

115 Commercial Street, Curry's Fried Chicken- **Granted**

16 Cottage Street, Lolly's Bakery- **Granted**

215 Essex Street, Atu Estilo Iris Beauty Salon- **Granted**

403 Essex Street (taxes) Tabled at June 8, 2010 meeting (sent cert letter) - **Granted**

159 Lewis Street, J.D. Sports Bar- **Granted**

173 Lewis Street, Mollys - **Granted**

415 Lynnway, Metro PCS- **Granted**

540 Lynnway, Kelly Automotive Group Inc. d/b/a Kelly Honda- **Granted**

2 Mason Street, Gem Auto Parts Co., Inc. - **Granted**

201 North Common St., Market Square Video- **Granted**

38 Oakville Street, P.B. Welding- **Granted**

50 Ocean Street, Breeze Hair Studio- **Granted**

358 Summer Street, Commercial Street Auto LLC- **Granted**

232 Union Street, Lynn CHC – Dental Services- **Granted**

90 Walnut Street, Cher Magic- **Granted**

144 Washington Street, Chiky’s Hair Stylist- **Granted**

596B Western Ave., TK Nails- **Granted**

674 Western Avenue, House of Andrea- **Granted**

858 Western Avenue, Players Sports Bar- **Granted**

873 Western Avenue, 99 Market - **Granted**

889 Western Avenue, Super Seven Subs- **Granted**

SECOND HAND ARTICLE LICENSE REVIEW

844 Western Avenue, Gonzalez Refrigeration (Tax agreement set up with owner & tax collector) - **Granted**

FLAMMABLE LICENSE, (RENEWAL)

161 Chestnut St., Haider Five Enterprises Inc. DBA Spiros Energy- **Granted**

282 Lynnway, U-Haul of Lynn- **Granted**

AUTO BODY, AUTO REPAIR, FLAMMABLE, (RENEWAL)

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

178 Alley St., Collision Auto Craft & Repair- **Granted**

882 Western Ave., Western Ave. Auto Body of Lynn, Inc. - **Granted**

AUTO REPAIR, FLAMMABLE, (RENEWAL)

47 Bennett St., B Auto Repair- **Granted**

68 Bennett St., Car Works Plus- **Granted**

287 Essex St., Essex Auto Repair- **Granted**

843 Lynnway, EZ Auto Care Centers, Inc. - **Granted**

106 Chestnut St., Los “V” Tires (30 day review for unpaid taxes) – **Granted w/30 Day Review**

106 Chestnut St., Duran Auto Repair (30 day review for unpaid taxes) – **Granted w/30 Day Review**

361 Lynnway, New Auto Rep/Flam - **Granted**

COIN OPERATED DEVICES VENDOR (RENEWAL)

1980 Turnpike St., No. Andover, MA, Four Star Vending- **Granted**

COIN OPERATED DEVICES (RENEWAL)

126 Boston St., Big Lots – 2 Class III- **Granted**

265 Broadway – Four Winds – 1 Class III- **Granted**

157 No. Common St., Post 6 – 1 Class III- **Granted**

CANNING:

Lynn Tech Class of 2013 (Adults Only) – August 19, 2010- **Granted**

DOOR TO DOOR COMPLAINTS

4931 N 300 W Provo, UT, APX Alarm (complaints attached)
 (B.B.B. State complaints attached) – **Come back July 13, 2010**

COMPLAINT RE: TOM'S TAXI

Angela Satterwhite, 37 Green St.- **Send Copy of Complaint to Tom's for review & response.**
REPORT ACCEPT

Report of the June 22, 2010 Committee on Public Property recommending the following to be accepted:

Ordered that the owner, Rita Woodworth, owner of the property at 40 Flint Street be allowed to redeem the property and that all taxes, fines, and fees be paid within six months.

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 owner, Rita Woodworth, owner of the property at 40 Flint Street be allowed to redeem the property and that all taxes, fines, and fees be paid within six months.

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

Motion to allow "Meet Me Downtown Festival" to hang banners during the month of September. - **Granted**

Motion to allow the Lynn Lions to hang banners during the month of August for their annual concert on August 21, 2010. - **Granted**

REPORT ACCEPTED

Report of the June 22, 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 Reserve Fund:

To the Account of Comptroller's Payroll: \$17,500.00

Councillor Crowley 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 from the Account of the Reserve Fund to the Account of Comptroller's Payroll in the amount of \$17,500.00.

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 0 NO

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

11 YES 0 NO

Ordered that there be and hereby is appropriated One Hundred Forty Five Thousand Seven Hundred Forty Six Dollars and Ninety Nine Cents (\$145,746.99) as allotted to the City of Lynn by the American Recovery and Reinvestment Act for police staffing.

Councillor Crowley 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 that there be and hereby is appropriated One Hundred Forty Five Thousand Seven Hundred Forty Six Dollars and Ninety Nine Cents (\$145,746.99) as allotted to the City of Lynn by the American Recovery and Reinvestment Act for police staffing.

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 0 NO

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

11 YES 0 NO

Ordered that there be and hereby is appropriated Seven Hundred Seventy Eight Thousand Two Hundred Seventy One Dollars and Forty Nine Cents (778,271.49) as allotted to the City of Lynn by the American Recovery and Reinvestment Act for overtime expense for Firefighters to support fire suppression services.

Councillor Crowley 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 that there be and hereby is appropriated Seven Hundred Seventy Eight Thousand Two Hundred Seventy One Dollars and Forty Nine Cents (778,271.49) as allotted to the City of Lynn by the American Recovery and Reinvestment Act for overtime expense for Firefighters to support fire suppression services.

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 0 NO

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

11 YES 0 NO

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

From the Account of IT Postage:
To the Account of IT Payroll: \$5,458.09

Councillor Crowley 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 from the Account of IT Postage to the Account of IT Payroll in the amount of \$5,458.09.

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

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

From the Account of ISD Payroll: \$ 80,000.00
And from ISD Expense: \$ 80,000.00
To the Account of Street Light Expense: \$160,000.00

Councillor Crowley 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 from the Account of ISD Payroll in the amount of \$80,000.00; and from ISD Expense in the amount of \$80,000.00 to the Account of Street Light Expense in the amount of \$160,000.00.

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

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

From the Account of Collector's Expense:
To the Account of Collector's Payroll: \$5,458.09

Councillor Crowley 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 from the Account of Collector's Expense to the Account of Collector's Payroll in the amount of \$5,458.09.

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 0 NO

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

11 YES 0 NO

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

From the Account of Administrative Aide to Council Expense:

To the Account of Administrative Aide to Council Payroll: \$194.47

Councillor Crowley 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 from the Account of Administrative Aide to Council Expense to the Account of Administrative Aide to Council Payroll in the amount of \$194.47.

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 0 NO

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

11 YES 0 NO

NEW BUSINESS:

Councilor Cahill wanted to publicly thank Tom Donahue of National Grid for his hard work in making the repairs to the Lynn Shore Drive area. Councillor Colucci and Councillor Cyr also said he did a great job getting the street lights repaired. Councilor Capano stated that he may be a nice guy, but “nothing has changed” in his ward.

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