

CITY OF LYNN

**Regular City Council Meeting, November 15, 2011
Council President Timothy Phelan Presiding**

Ten Councillors Present (Councillor Colucci absent)

Moment of Silence.

Pledge of Allegiance.

Motion made by Councillor Crowley and seconded by Councillor Crighton to accept the Meeting Minutes of October 11, 2011 and October 25, 2011.

Motion carried.

Council President Phelan recognized Councilor-Elect Hong Net.

Motion made by Councillor Cyr and seconded by Councillor Trahan to suspend the rules to present Certificates to the students of the Brickett Elementary School in recognition of their dedicated work to help the environment.

Motion carried.

Council President Phelan also recognized Mrs. Eileen Cole, Principal of the Brickett Elementary School and Teacher Mrs. Whalen whose class was being recognized.

COMMUNICATIONS:**Communication from Peter Caron, Director of Assessing:**

Dear Councilors:

The Board of Assessors respectfully requests a Public Hearing be held before the City Council on December 13, 2011, 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 FY'2012 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 small 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 Crowley and seconded by Councillor Cyr to set down for Public Hearing.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Colucci absent).

PUBLIC HEARINGS:

Petition of Riverside II, Viralkumar Patel, for permission for a convenience store with hours from 4:00 a.m. to 9:00 p.m. and convert second floor to one (1) bedroom Apartment for residential use at 826 Boston Street.

The following appeared in Favor:

Viralkumar Patel

No one Appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Ford and seconded by Councillor Trahant to grant the Prayer of the Petitioner.

Motion carried by the following yea and any vote:

10 YES 0 NO (Councillor Colucci absent).

Petition of Fiber Tower Network Services Corp, David Archambault, for permission to install a wireless backhaul system to enhance existing wireless communications systems at 170 South Common Street.

The following appeared in Favor:

David Archambault, Fiber Tower Network Services

No one Appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Capano and seconded by Councillor Duffy to grant the prayer of the Petitioner with the stipulation that they continue to work with the Lynn Housing Authority during the installation.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Colucci absent).

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of National Grid for permission to install approximately 70' of conduit from existing manhole on Market Street to the property line of 195 Market Street.

-Petition of Verizon, Robert Grassia, for permission to place approximately 356 Feet of underground conduit at the rotary located on the Lynn/Nahant line.

-Petition of El Pastor, Jose Ortega, for permission for a restaurant/baker at 268-272 Essex Street, with hours from 7 am to 11 pm.

Motion made by Councillor Crowley and seconded by Councillor Trahan to set down for Public Hearings.

Motion carried.

UNFINISHED BUSINESS:

REQUEST TO WITHDRAW THE FOLLOWING PETITION TABLED ON AUGUST 9, 2011:

Petition of Verizon for the placement of 150 feet of underground conduit and proposed handhold at 120-128 Nahant Street.

Motion made by Councillor Crowley and seconded by Councillor Ford to accept the Letter of Withdrawal.

Motion carried.

FINANCE MEETING OF OCTOBER 25, 2011:

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

From the Account of Fire Department Expense:

To the Account of Unpaid Bills of Prior Years: \$400.49

Motion made by Councillor Crowley and seconded by Councillor Trahan to grant.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Colucci absent).

From the Account of Treasurers Expense:

To the Account of Unpaid Bills of Prior Years: \$10,030.68

Motion made by Councillor Crowley and seconded by Councillor Trahan to grant.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Colucci absent).

COMMITTEE REPORTS:

Report of the November 15, 2011 Committee on Veterans, Youth & Elderly Committee recommending the following to be accepted:

Ordered that the City of Lynn accept the provisions of Section II of the Chapter 157 of the Legislative Acts of 2005, relative to additional allowance received by veterans who retire due to an accidental disability under Section, retroactive to the date of retirement.

Councillor Capano 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 of Lynn accept the provisions of Section II of the Chapter 157 of the Legislative Acts of 2005, relative to additional allowance received by veterans who retire due to an accidental disability under Section, retroactive to the date of retirement.

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 Colucci absent).

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

REPORT ACCEPTED.

Report of the November 15, 2011 Committee on Ways and Means recommending the following to be accepted:

Ordered that Her Honor the Mayor be authorized to execute a contract with the Commonwealth of Massachusetts in order to receive a grant for the Council on Aging in the amount of \$90,764.00.

Councillor Trahan 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 be authorized to execute a contract with the Commonwealth of Massachusetts in order to receive a grant for the Council on Aging in the amount of \$90,764.00.

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: 10 YES 0 NO (Councillor Colucci absent).

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

REPORT ACCEPTED.

Report of the November 15, 2011 Committee on Public Safety recommending the following:

The following individuals were appointed Constables:

Joseph Mathieu, 2 Ingalls Street, Lynn - **Granted**

Bruce Hall, 65 New Castle Road, Peabody – **Granted**

REPORT ACCEPTED.

Report of the November 15, 2011 Committee on Minor Licenses recommending the following:

TAXI OPERATORS (NEW)

Alvarez, Ana Alfonso, 50 So. Common St. #409 - **Granted**

Brady, Chris, 78 Grant St.: re: Incident on Friday 10/14/11-see attached article
tabled 10/25/11- **Granted w/30-60-90 Day Review**

Drake, Kwame, 534 Essex St. #304- **Granted w/30-60-90 Day Review**

Gonzalez, Ismael, 42 Adams St. #3 - **Tabled**

Henderson, Ernest, 50 So. Common St. #101- **Granted**

Joseph, Dwayne, 3 Kingsley Terr. 60 day review- **Granted**

Pena, Julio, 185 No. Common St. #47- **Granted w/30-60-90 Review**

Sanchez, Manuel A. 2 French St. #2 - **Tabled**

Sandivar, Jose A., 130 Neptune Blvd. #411E- Granted

LIVERY OPERATORS (NEW)

Joseph, Dwayne, 3 Kingsley Terr- **Granted**

Smith, Tyekiya, 65 Centre St. #3, 90 day review - **Tabled**

PUBLIC HEARING EXTENDED HOURS

102 Boston St.-CVS Pharmacy- **Granted**

52 Lynnay-188 Comercial St.-ESE Energy DBA Spiro Energy- **Granted**

NEW TAXI COMPANY

Union, Taxi, 202 Blossom St. Ext.-Tabled 9/13/11, 9/27/11- **Condition of License that vehicles be located at 1117 Western Avenue and offices to be at Blossom Street. No Medallions given until all requirements are met. Grant pending proof of lease of office space, parking and certificates of insurance and inspections.**

SIGN LICENSE - RENEW

256 Chatham St., Tipico Bonao Rest. - **Granted**

437 Western Ave., N & N Construction- **Granted**

CLASS II AUTO DEALER, AUTO REPAIR, FLAMMABLE (TRANSFER)

100 Ford St. – Performance Auto Brokers- **Granted**

CLASS I AUTO DEALER, AUTO REPAIR, FLAMMABLE (RENEWAL)

164 Blossom St. – Jim McLaughlin’s Lynnway Truck Center- **Granted**

CLASS II AUTO DEALER, AUTO REPAIR, (RENEWAL)

164 Blossom St. – JEM Auto Sales, Inc. - **Granted**

AUTO REPAIR/FLAMMABLE, (RENEWAL)

100 Ford St. – San Marcos Auto Repair- **Granted**

FLAMMABLE (NEW)

1073R Western Ave. – Albert Kemperle, Inc. - **Granted**

FLAMMABLE (RENEWAL)

300 Broad St. – North Shore Community College- **Granted**

CANNING:

Lynn Jets Hockey (Adults Only) – November 19, 20, 25, 26, 27, 2011- **Granted**

Lynn Chargers (Adults Only) – November 24, 2011; December 12, 13, 14, 2011- **Granted**

West Lynn Pop Warner (Adults Only) – November 21, 30, and December 4, 2011- **Granted**

REPORT ACCEPTED.

Report of the November 15, 2011 Committee on Public Property recommending the following:

Motion to set down Public Hearing for the Abandonment of a Portion of Land known as Essex Street referred to Planning Board. – **Granted**

REPORT ACCEPTED.

Report of the November 15, 2011 Committee on Finance recommending the following:

Ordered that the City Comptroller is hereby authorized to take the following action:

Appropriate as an “Available Fund” the amount of ONE MILLION TWENTY THREE THOUSAND THREE HUNDRED THREE DOLLARS (\$1,023,303) to the City of Lynn Police Department for Lynn/Swampscott Regional 911 PSAP project by the Commonwealth of Massachusetts Executive Office of Public Safety and Security, State 911 Department. **(Lays over to November 22, 2011).**

Ordered that the City Comptroller make the following appropriation transfers:

From the Account of Reserve Fund:
To the Account of Personnel Longevity: \$3,173.00
(Lays over to November 22, 2011).

From the Account of Reserve Fund:
To the Account of Care of Dogs Expense: \$8,000.00
(Lays over to November 22, 2011).

From the Account of Reserve Fund:
To the Account of Care of Dogs Expense: \$6,000.00
(Lays over to November 22, 2011).

Ordered that the City of Lynn transfer the amount of seven hundred and fifty thousand dollars (\$750,000) from the Tax Levy of Fiscal Year 2012, State Aid, and Local Receipts Accounts to the Thurgood Marshall School Construction and Renovation Account for the purpose of paying costs of a feasibility study at the Thurgood Marshall Middle School, located at 19 Porter Street, to explore potential solutions that meet the requirements of the District’s Educational Program and to determine the most cost effective and educationally appropriate solution to recommend to the Massachusetts School Building Authority’s (“MSBA”) Board of Directors for its consideration and approval to proceed into schematic design, including the payment of all costs incidental or related thereto, and for which the City of Lynn may be eligible for a grant from the MSBA, said amount to be expended

under the direction of the School Building Committee. The City of Lynn, MA acknowledges that the MSBA's grant program is a non-entitlement, discretionary program

based on need, as determined by the MSBA, and any costs the City of Lynn incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Lynn and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City of Lynn, MA and the MSBA.

Councillor Trahan 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 of Lynn transfer the amount of seven hundred and fifty thousand dollars (\$750,000) from the Tax Levy of Fiscal Year 2012, State Aid, and Local Receipts Accounts to the Thurgood Marshall School Construction and Renovation Account for the purpose of paying costs of a feasibility study at the Thurgood Marshall Middle School, located at 19 Porter Street, to explore potential solutions that meet the requirements of the District's Educational Program and to determine the most cost effective and educationally appropriate solution to recommend to the Massachusetts School Building Authority's ("MSBA") Board of Directors for its consideration and approval to proceed into schematic design, including the payment of all costs incidental or related thereto, and for which the City of Lynn may be eligible for a grant from the MSBA, said amount to be expended under the direction of the School Building Committee. The City of Lynn, MA acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City of Lynn incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Lynn and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City of Lynn, MA and the MSBA.

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 Colucci absent).**

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

REPORT ACCEPTED.

Motion made by Councillor Crowley 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