

CITY OF LYNN

**Regular City Council Meeting, May 10, 2011
Council President Timothy Phelan Presiding**

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

**Motion made by Councillor Colucci and seconded by Councillor Cyr to accept the Meeting Minutes of April 12, 2011 and April 26, 2011.
Motion carried.**

COMMUNICATIONS:

Disclosure of Financial Interest – James Richard, Teacher (perform Plumbing Inspections on part-time basis for ISD)

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

PUBLIC HEARINGS:

Petition of National Grid, Maureen Smith, for the underground installation of 2-4” Conduits from HH28 Broad Street to #144 Broad Street, to provide electrical service to new condos.

The following appeared in Favor:

Mike Godina, National Grid

No one Appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Crighton and seconded by Councillor Capano to grant the prayer of the Petitioner with the stipulation that National Grid comply with all the requirements set forth by the Department of Public Works.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of National Grid, Craig Spinale, for the installation of approximately 32' of underground primary in 2-4" pvc conduit from existing MH33 to MBTA property line in order to feed new commercial building Visiting Nurse Association which will be located at 210 Market Street.

The following appeared in Favor:

Mike Godina, National Grid.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Crighton and seconded by Councillor Trahan to grant the prayer of the Petitioner with the stipulation that National Grid comply with all the requirements set forth by the Department of Public Works.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Cahill abstained).

Petition of Johnny & Katelyn, Inc., dba Jimmy's Discount Liquors, Leanne Tran, for permission to transfer the All Alcohol License as a Package Store from 863 Western Avenue to 873 Western Avenue.

The following appeared in Favor:

Attorney Thomas Truax

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Capano and seconded by Councillor Colucci to continue the Public Hearing to May 24, 2011.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Market Square Convenience, Sanchita Bellal, for permission for wine and malt beverages licenses at retail food convenience store at 2 Market Square.

The following appeared in Favor:

Attorney Sam Vitali

Tim Mac, 167 North Common Street, Lynn

Sihan Habib, Lynn

Prior Owner Lynn

Daughter of Prior Owner, Lynn

Sean McDonald, Lynn

Owner, 817 Summer Street, Lynn

Mr. Mohamad, Lynn

The following Appeared in Opposition:

Mark Stevens, Market Square Beverages, Lynn

Ms. Alicia, 6 Commercial Street, Lynn

Public Hearing Closed.

Motion made by Councillor Capano and seconded by Councillor Lozzi to TABLE.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Richdale Convenience Store, NS International, Inc., for permission for a sign permit at 585 Essex Street.

The following appeared in Favor:

Attorney Thomas Demakis

Calvin Anderson, 4 Congress Street, Lynn

No one appeared in Opposition.

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. Hours of operation 5:00 a.m. to 11:00 p.m.
2. Enclosed dumpster shall be 15 feet removed from Sloan Machinery Loft.
3. 24 ft. Entrance on Washington Street corridor
4. 24 ft. entrance on Essex Street corridor
5. 3 ft. landscaping along Essex Street and Washington Street corridor, excluding entrance with trees and shrubbery every 3 feet.
6. No public pay phones

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Mi Provencia, Maruf Hasan, for permission for a sign permit at 411-413 Essex Street.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Colucci and seconded by Councillor Crowley to TABLE.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS TO BE SET DOWN

-Petition of Omar Fernandez for H & T Tax Multiservice for permission for a LED overhang sign at 140 Union Street.

-Petition of Eugene J. Dean of Fiesta Shows, Salisbury MA to operate a Carnival at Keaney Park located at Lynn English High School from June 22 through June 25, 2011 with set up beginning on June 19, 2011.

-Petition of Rory's Corporation, Paul Foglia, for permission to operate a Hot Dog/Sausage Cart on Lynn Commons, Thurs.-Sun, 10:00 a.m. – 9:00 p.m.

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

Motion carried.

UNFINISHED BUSINESS:

Motion made by Councillor Lozzi and seconded by Councillor Trahan to remove from the table the Petition of Veterans of Foreign Ward, Post 507, John Hartley, Attorney, for permission to transfer location of VFW post from original location at 90 High Rock Street with All Alcohol Club License to 35 Lynnfield Street and to Accept the Letter of Withdrawal for the files.

Motion carried by the following yea and nay vote:

11 YES 0 No

Report of the April 26, 2011 Committee on Public Safety:

The following individual was approved as a Constable

Richard Cornaccini, 96 Light Street, Lynn –**Granted**

Motion carried by the following yea and nay vote:

11 YES 0 NO

CONFIRMATION OF THE TERMS OF THE PINE GROVE CEMETERY

COMMISSIONERS:

Joan Breed – Three Years

John Pace, Jay Fink - Three Years

Albert Waldron – Three Years

Arthur Dulong – Two Years

David Travers – Two Years

Daniel Horgan – Two Years

Richard Fortucci – Two Years

Fausto Cabrera – One Year

Theresa Sheehan – One Year

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

COMMITTEE REPORTS:

Report of the May 10, 2011 Committee on Ways and Means recommending the following to be accepted: (LAYS OVER TO MAY 24, 2011)

Councillor Ford: Ordered that the City Clerk be directed to cause notice to be advertised that meetings of the qualified voters of the City of Lynn will be held in the several polling places heretofore designated for Preliminary Election on September 20, 2011 and Final Election on November 8, 2011.

The polls will be opened at 7:00 a.m. and closed at 8:00 p.m. and all citizens will, in the several precincts in which they are entitled to vote, between said hours, give in their votes on one ballot for Councilors at Large, Ward Councilors and School Committee.

REPORT ACCEPTED.

Report of the May 10, 2011 Committee on Minor Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW)

Adeyeui, Babatunde, 95 Neptune St. 30 day review - **Granted**

Fadul, Gmal, 257 Boston St., 30 day review- **Granted**

Faris, Adil, 12 Cedar St.30 day review- **Granted**

Figuereo, Modesto 60 Rogers Ave. Lynn- **Granted**

Joseph, Jean, 863 Salem St. Malden, 60 day review - **TABLED**

Kellum, Peter, 69 Rockland St. Swampscott=30 day review- **Granted**

Nina, Rafael, 46 Hood St. #2, 90 day review - **TABLED**

Sacco, Michael, 39 Cottage St.-60 day review tabled 4/26//11- **Granted**

LIVERY OPERATORS (NEW)

Villar, Bronny, 5 Canterbury Rd Lynnfield- **Granted**

LIVERY SERVICE BUSINESS (NEW)

Northern Destinations LLC, 204 Blossom St. Ext. Maria Bencosme owner – **30 Day Temporary so owner can appear.**

COIN OPERATED DEVICES – NEW

64 Baldwin St. – Club Caney – 1 Class II- **Granted - TABLED**

FLAMMABLE – RENEWAL

6 Bennett St. – LAC Steel

122 Boston St. – Nouria # 04210 (Shell Gas Station) - **Granted**

21 Collins St. Ter. – Pasquanna Developers, Inc. - **Granted**

101 Harbor St. – All Welding Supply- **Granted**

71 Linden St. – Harvard Folding Box- **Granted**

500 Lynnfield St. – Union Hospital- **Granted**

154 Lynnway #604 – City of Lynn Seaport Marina- **Granted**

330 Lynnway – Garelick Farms LLC- **Granted**

453 Lynnway – EZ Landscaping, Inc. - **Granted**

535 Lynnway – Nouria #04211 –(Shell Gas Station) - **Granted**
 626 Lynnway – Garelick Farms LLC- **Granted**
 95 Munroe St. – Beden Hardware- **Granted**
 390 Parkland Ave. – Raymond Reardon Water Treatment Plant- **Granted**
 400 Parkland Ave. – Lynn Water & Sewer Commission- **Granted**
 325 Walnut St. – LWSC Low Service Pumping Station- **Granted**
 240 Western Ave. – Gibbs Oil Company Limited Partnership- **Granted**
 570 Western Ave. –Chowdhury Inc. DBA Convenience Station- **Granted**
 621-625 Western Ave. – Stop Quick Mart. - **Granted**

AUTO REPAIR/FLAMMABLE RENEWAL

15 Rear Alley St. – K & M Transmission- **Granted**
 17B Alley St. – Magic Auto Repair- **Granted**
 50 Bennett St. – Landry Automotive- **Granted**
 68 Bennett St. – Car Works Plus- **Granted**
 68R Bennett St. – E & J Auto Repair- **Granted**
 606 Boston St. – Solutions Auto Repair- **Granted**
 805 Boston St. – AG Inc. DBA Town Line Service- **Granted**
 411 Broad St. – Meineke Car Care- **Granted**
 8 Burrus Sq. – Jesus Auto Repair- **Granted**
 16 Chestnut St. – Ed & Vin’s Garage of Lynn, Inc. - **Granted**
 106 Chestnut St.- Duran Auto Repair (Tabled from 4/26/11 overdue taxes owner must appear at meeting) – **TABLED (Law Department to draft Agreement and submit for next meeting)**
 129 Commercial St. – Ernesto Auto Repair Corp. - **Granted**
 131 Commercial St. – North Shore Car Rental Corp. - **Granted**
 119 Essex St. – Jerry’s Auto Care - **TABLED**
 287 Essex St. – Essex Auto Repair- **Granted**
 407 Essex St. – Reynolds Auto Repair- **Granted**
 349 Lynnway – Morgan’s Garage- **Granted**
 453 Lynnway – George’s Expert Auto & Marine- **Granted**
 637 Lynnway – Sullivan Tire and Auto Service- **Granted**
 811 Lynnway – Lou’s Custom Exhaust/ Lynn- **Granted**
 1147 Western Ave. – Stoneham Boat Center, Inc. - **Granted**

AUTO BODY/ AUTO REPAIR/FLAMMABLE RENEWAL

15 Alley St. – Crystal Diamond Auto Body- **Granted**
 22 Bennett St. – Munoz Auto Body- **Granted**
 47 Bennett St. – REM Auto Body- **Granted**
 100 Buffum St. – US Postal Service Vehicle Maintenance Facility- **Granted**
 165 Commercial St. – Igor’s Auto Body- **Granted**
 92 Harbor St. – Urban Auto Body- **Granted**
 1075R Western Ave. – Guate Auto Body & Repair- **Granted**

CANNING:

Babe Ruth League (Adults Only) – May 9-11, 2011 and June 16-18, 2011- **Granted**

East Lynn Little League (Adults Only) – June 10, 11, 12, 2011- **Granted**

REPORT ACCEPTED

Report of the May 10, 2011 Committee on Public Property recommending the following to be accepted: (LAYS OVER TO MAY 24, 2011).

Motion to approve request of Lynn Fire Department to dispose of four pieces of equipment, including (2) 1988 Fire engines, (1) 1993 Ambulance and (1) 1995 Ford Crown Vic. – **Granted**

Discussion re: Request from Office of Economic and Community Development re: Stone Cottage at 22 Johns Avenue (**OECD to bring back additional information**).

Ordered that the city-owned property at 35 Cedar Street, Block 211, Lot 030 be conveyed to abutter Ryan L. Nevidomsky, 43 Cedar Street, Lynn, MA in the amount of \$500.00 with the stipulation that the land be used for parking and/or landscaping and that no building be erected on the property. (**Lays over to May 24, 2011**).

REPORT ACCEPTED

Report of the May 10, 2011 Committee on Finance recommending the following to be accepted:

Ordered that the City Comptroller is hereby authorized to make the following appropriation transfers:

From the Health Insurance Trust Account:

To the Account of Police Department Medical Expense: \$11,170.00

(Lays over to May 24, 2011)

From the Insurance Casualty Losses Transfer Account:

To the Account of Inspectional Services Street Lighting: \$26,528.41

(Lays over to May 24, 2011)

From the Account of Police Department Expense:

To the Account of Unpaid Bills Prior Years: \$22,102.54

(Lays over to May 24, 2011)

From the Account of Reserve Fund:
 To the Account of Law Department Expense: \$2,253.89
(Lays over to May 24, 2011)

Ordered that the City Comptroller is hereby authorized to make the following appropriation transfers:

From the Reserve Fund:
 To the Account of Police Department Expense: \$137,553

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 a Financial Transfer from the Reserve Fund to the Account of Police Department Expense in the amount of \$137,553.00.

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

From the Account of Reserve Fund:
 To the Account of Parking Department Expense: \$5,580.00

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 a Financial Transfer from the Reserve Fund to the Account of Parking Department Expense in the amount of \$5,580.00.

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

From the Account of Inspectional Services Payroll:
 To the Account of Inspectional Services Expense: \$75,000.00

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 a Financial Transfer from the Inspectional Services Payroll to the Account of Inspectional Services Expense in the amount of \$75,000.00.

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**

From the Account of Inspectional Services Payroll:

To the Account of Street Light Expense: \$95,000.00

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 a Financial Transfer from the Account of Inspectional Services Payroll to the Account of Street Light Expense in the amount of \$95,000.00.

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 is hereby authorized to take the following action: Certify as an "available Fund" the amount of One Million Four Hundred and Ninety Thousand and Thirty One Dollars (\$1,490,013.00) as allotted to the City of Lynn by Transportation Bond Bill, Chapter 291D of the Acts of 2004.

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 City Comptroller is hereby authorized to take the following action: Certify as an "available Fund" the amount of One Million Four Hundred and Ninety Thousand and Thirty One Dollars (\$1,490,013.00) as allotted to the City of Lynn by Transportation Bond Bill, Chapter 291D of the Acts of 2004.

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.

Motion made by Councillor Colucci and seconded by Councillor Lozzi 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