

CITY OF LYNN

**Regular City Council Meeting, May 24, 2011
Council President Timothy Phelan Presiding**

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

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

Dear Councilors:

Enclosed please find for submission to your Honorable Body, the Fiscal Year 2012 City of Lynn Budget. Kindly set the budget down for public hearing. The total proposed FY12 budget is \$245,671,576.00.

Sincerely, Judith Flanagan Kennedy, Mayor

Motion made by Councillor Crowley and seconded by Councillor Cahill to set down for Public Hearing on June 21, 2011.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS:

Public Hearing regarding a burnt, dilapidated or dangerous building or other structure, or vacant parcel, or vacant parcel of land, located at #226 Western Avenue.

No one appeared in Favor.

The following appeared in Opposition:

Attorney Steve Smith

Public Hearing Closed.

Motion made by Councillor Trahant and seconded by Councillor Crowley to Grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

(Continued from May 10, 2011)

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.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Capano and seconded by Councillor Trahant to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Public Hearing to allow public input to the City's Annual Action Plan, including the use of the Department of Housing and Urban Development appropriations for the Community Development Block Grant, Emergency Shelter Grant, HOME and Housing Opportunities for Persons with AIDS programs.

The following appeared in Favor:

John Moberger, Office of Economic and Community Development

The following appeared in Opposition:

David Ellis, Lynn

Melissa Robinelli, Lynn

Eline Valzez, Lynn

Show of Hands (14)

Motion made by Councillor Capano and seconded by Councillor Crowley to recommend that the Citizens Advisory Board consider making an allocation of \$8,000.00 to the Friday Family Support Group and that the funds to be taken from the other allocations to be equally spread out among the other groups

Motion carried by the following yea and nay vote:

9 YES 2 NO (Councillor Cahill and Councillor Lozzi voting NO).

Motion made by Councillor Cahill and seconded by Councillor Lozzi to recommend that all first time applicants denied funding be allowed to go back to the Citizen's Advisory Board and be allowed to request that their application be reconsidered.

Motion FAILED by the following yea and nay vote:

9 NO 2 YES (Councillor Cahill and Councillor Lozzi voting YES).

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARING TO BE SET DOWN:

-Public Hearing relative to a burnt, dilapidated or dangerous building or structure or vacant parcel located at 38 Rockaway Street.

Motion made by Councillor Colucci and seconded by Councillor Trahant to set down for Public Hearing on July 12, 2011.

Motion carried.

UNFINISHED BUSINESS:

Ways and Means Committee report from May 10, 2011.

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:

Warrant for Primary Election on September 20, 2011 and Final Election on November 8, 2011.

GREETING:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of the City of Lynn who are qualified to vote in the City of Lynn Primary Election and Final Election in the year 2011, to vote at:

- 1-1 Shoemaker School – Clearview Avenue
- 1-2 Briarcliff Lodge – 112 Kernwood Drive
- 1-3 Sisson School – 56 Conomo Avenue
- 1-4 Sisson School – 56 Conomo Avenue
- 2-1 St. Pius Lower Church Hall – Maple Street
- 2-2 St. Pius Lower Church Hall – Maple Street
- 2-3 St. Pius Lower Church Hall – Maple Street
- 2-4 St. Pius Lower Church Hall – Maple Street
- 3-1 English High School – Goodridge Street
- 3-2 English High School – Goodridge Street
- 3-3 English High School – Goodridge Street
- 3-4 English High School – Goodridge Street
- 4-1 North Shore Community College – Broad Street
- 4-2 North Shore Community College – Broad Street
- 4-3 North Shore Community College – Broad Street
- 4-4 North Shore Community College – Broad Street
- 5-1 Lynn Vocational Technical Institute Annex – Commercial Street
- 5-2 Lynn Vocational Technical Institute Annex – Commercial Street
- 5-3 Lynn Vocational Technical Institute Annex – Commercial Street
- 5-4 Community Hall – 10 Church Street
- 6-1 Lynn Tech Fieldhouse – Neptune Boulevard
- 6-2 Lynn Tech Fieldhouse – Neptune Boulevard
- 6-3 Lynn Tech Fieldhouse – Neptune Boulevard
- 6-4 Lynn Tech Fieldhouse – Neptune Boulevard
- 7-1 Breed Junior High School, 90 O’Callahan Way
- 7-2 Breed Junior High School, 90 O’Callahan Way

7-3 Breed Junior High School, 90 O'Callahan Way

7-4 Breed Junior High School, 90 O'Callahan Way

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.

Per order of: City Council, Mary F. Audley, Chairperson, Election Commission

Motion made by Councillor Lozzi and seconded by Councillor Ford to grant.

Motion carried by the following yea and nay vote:

8 YES 2 NO (Councillor Colucci and Councillor Trahant voting NO).

Public Property Committee Report of May 10, 2011:

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, in the amount of \$500.00 with the stipulations that land be used for landscaping or parking only and that no building be built on the property.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Finance Committee of May 10, 2010:

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

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

From the Insurance Casualty Losses Transfer Account:

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

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

From the Account of Police Department Expense:

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

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

From the Account of Reserve Fund:
 To the Account of Law Department Expense: \$2,253.89
Motion made by Councillor Crowley and seconded by Councillor Cyr to grant.
Motion carried by the following yea and nay vote:
11 YES 0 NO

COMMITTEE REPORTS:

Report of the Committee on Waterfront and Economic Oversight recommending the following to be accepted:

Discussion re: General Update/Discussion with EDIC Director regarding the Waterfront.

REPORT ACCEPTED.

Report of the May 24, 2011 Committee on Ordinance recommending the following to be accepted:

A Proposed Ordinance Amending the Ordinance Establishing Regulations Relative to the Storage and Disposal and Maintenance of Residential and Commercial Refuse Containers and Property Within the City of Lynn. **(Granted)**

REPORT ACCEPTED.

Report of the May 24, 2011 Committee on Public Safety recommending the following to be accepted:

The following individuals were approved as constables:

Raymond Felice, 36 Winthrop Street, Danvers - **Granted**

Michael Copans, 51 Nahant Street, Lynn- **Granted**

Nancy Mahoney, 12 Chancery Court, Lynn- **Granted**

Lauren D'Avella, 5 Rockingham Street, Lynn- **Granted**

Giovanni Bloise-Freyre- **Granted**

REPORT ACCEPTED.

Report of the May 24, 2011 Committee on Minor Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW)

Garcia-Ramos, Rodolfo, 21 Blossom St - **TABLED**

Michaud, Louis, 12 Quincy Terr - **Granted**

Nina, Rafael, 71 Harwood St.- **Tabled** 5/10/2011-90 day review - **Granted**
 Rojas, Esthelvin, 17 Rockmere Gardens #2, Lynn - **Granted**
 Zapata, Milton Orlando, 10 Friend St. – **Granted w/30-60-90 Day Review**
 Ronny Doucette - **Granted**

LIVERY OPERATORS (NEW)

Fuentes, Janis C. 56 Veterans Memorial Dr. Peabody - **TABLED**
 Jolly, Melissa, 59 No. Common St. - **Granted**
 Reynoso, Lidia, 117 Empire St. - **Granted**
 Smith, Tyekija, 65 Centre St. #3 – **Granted w/30-60-90 Day Review**

LIVERY SERVICE BUSINESS (NEW)

Yari's Transportation, 117 Empire St. Lidia Reynoso, owner – **Granted with stipulations that no parking of limos at 117 Empire Street and no signs.**

RENEWAL SIGN

122 Boston Street, Lynn Shell- **Granted**
 361 Boston Street, Lynn Neighborhood Mart- **Granted**
 511 Boston Street, Tony's Shop- **Granted**
 126 Broad Street, D & M Mart- **Granted**
 237 Broadway, Wyoma Dairy Twirl- **Granted**
 319 Broadway, Century 21 Real Estate- **Granted**
 336 Broadway, Newhall's Liquor- **Granted**
 116 Central Avenue, Taqueira Pupuseria Montecristo- **Granted**
 1 Central Square, Dunkin Donuts- **Granted**
 317 Chestnut Street, La Casa Del Chimi- **Granted**
 348 Chestnut Street, Chestnut St Liquors- **Granted**
 518 Chestnut Street, Mr. Specs Opticians- **Granted**
 520 Chestnut Street, Sam's Barbershop- **Granted**
 546 Chestnut Street, Kim's Barbershop- **Granted**
 99 Essex Street, Essex Market- **Granted**
 105 Essex Street, TC Nails- **Granted**
 200 Essex Street, Lincoln Market- **Granted**
 333-347 Essex Street, New Angkor Thom Market- **Granted**
 63 Franklin Street, Santiago Market- **Granted**
 145 Franklin Street, Tina Nails- **Granted**
 196-198 Franklin Street, T.N. Inc. Tony's Pub- **Granted**
 45 Lewis Street, Le Masquerade Tanning- **Granted**
 89 Lewis Street, Bayview Realty Corp. - **Granted**
 217 Lewis Street, Yan's Café- **Granted**
 125 Lynnfield Street, Haywards Restaurant- **Granted**
 177 Lynnfield Street, Knights of Columbus- **Granted**
 263 Lynnfield Street, Lynnfield Street Market- **Granted**
 451 Lynnway, Lancelot- **Granted**
 535-545 Lynnway, Lynnway Shell (Casey Shell) - **Granted**
 260 Maple Street, Primavera Family Day Care- **Granted**

8 Market Street, China Lion- **Granted**
 42 Market Street, Dunkin Donuts- **Granted**
 129 Oxford Street, Casa Antigua Restaurant- **Granted**
 408 Summer Street, Paradise Restaurant- **Granted**
 53 Union Street, Enjoy Liquor- **Granted**
 114 Union Street, Vecino Market- **Granted**
 170 Union Street, Charlie Chan Rest. - **Granted**
 110 Washington Street, Showcase Coin op Laundrymat- **Granted**
 108 Western Avenue, Western Ave Market- **Granted**
 596 Western Avenue, Lily Beauty Shop- **Granted**
 813 Western Avenue, D & T Convenience - **Granted**
Second Hand Article License-Renewal
 226 Union Street, D'Manny Cargo Express (change address) - **Granted**
COIN OPERATED DEVICE VENDORS – RENEWAL
 C & R Vending Co., 21 Gates Rd. Middleton, MA- **Granted**
 Four Star Vending, P.O. Box 1210, Middleton, MA- **Granted**
COIN OPERATED DEVICES – NEW
 64 Baldwin St. – Club Caney – 1 Class II (*Tabled from 5/10/11 mtg. see attached report from Liquor Licensing Board*)- **DENIED**
FLAMMABLE – RENEWAL
 41 Carolyn Rd. – Petruccelli Construction Co., Inc. (*owes \$ 30,835.11 taxes - FY 10 & 11*) - **Tabled**
 668 Chestnut St. – Cumberland Farms #2492- **Granted**
 120_Liberty St. – Hess 21510- **Granted**
 637 Lynnway – Auto Zone #5122- **Granted**
 700 Lynnway – Sonny's Car Wash- **Granted**
 700 Lynnway – Mobil- **Granted**
 780 Lynnway – Wal-Mart Store #2139- **Granted**
 766 Summer St. – Booma Oil, Inc. - **Granted**
 1000 Western Ave. – General Electric Company (Aviation) - **Granted**
AUTO REPAIR/FLAMMABLE RENEWAL
 17 Alley St. – Italmondo Foreign Auto- **Granted**
 36-38 Alley St. – McGinn Bus Company- **Granted**
 60 Bennett St. – Harry A. Janice & Sons, Inc. DBA Bennett St. Tire & Glass- **Granted**
 503R Chestnut St. – AJ's Auto Service - **Granted**
 12A Ellis St. – Mora Auto Repair- **Granted**
 119 Essex St. – Jerry's Auto Care (*tabled from 5/10/2011 see attached letter from ISD re: Nuisance on Property*) – **Granted w/6 month Review**
 843 Lynnway – EZ Auto Care Centers, Inc.- **Granted**
 240 Western Ave. – Gibbs Auto Service- **Granted**
 1071R Western Ave. – Ana Auto Repair (**\$10, 832.99 in property taxes owed by landlord**) - **TABLED**
CLASS II AUTO DEALER, AUTO REPAIR/FLAMMABLE NEW
 315 Lynnway – Lynn Motor Sales (**property taxes owed**) – **Granted**

CANNING:

Lynn Tech Lacrosse (Adults Only) – June 8, 9, 2011 - **Granted**

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the May 24, 2011 Committee on Ways and Means recommending the following to be accepted:

Ordered that Her Honor the Mayor be hereby authorized to execute a Memorandum of Understanding with the University of Massachusetts Extension Nutrition Education Program to provide nutrition education to children, youth and families participating in the Supplement Nutrition Assistance Program. **(Lays over to June 21, 2011).**

Ordered that the City of Lynn hereby establishes a Youth Advisory Board comprised of four high school students who will assist to improve teen outreach and programs sponsored by the Lynn Parks and Recreation Department. Members of the Youth Advisory Board will be appointed by the Director of the Parks and Recreation and shall work in conjunction with North Shore Community College Public Policy Institute. **(Lays over to June 21, 2011).**

REPORT ACCEPTED

Report of the May 24, 2011 Committee on Finance Recommending the following to be accepted:

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

From the Account of Reserve Fund:

To the Account of Inspectional Services Expense: \$125,000.00

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 Reserve Fund to the Account of Inspectional Services Expense in the amount of \$125,000.00.

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 Veterans Expense:

To the Account of Unpaid Bills of Prior Years: \$1,500.00

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 Veterans Expense to the Account of Unpaid Bills of Prior Years in the amount of \$1,500.00.

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

From the Account of Reserve Fund:

To the Account of Worker's Compensation Expense: \$100,000.00

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 Reserve Fund to the Account of Worker's Compensation Expense in the amount of \$100,000.00.

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

From the Account of Essex Worker's Compensation Account:

To the Account of Worker's Compensation Expense: \$100,000.00

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 Essex Worker's Compensation Account to the Account of Worker's Compensation Expense in the amount of \$100,000.00.

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

NEW BUSINESS:

Motion made by Councillor Colucci and seconded by Councillor Crighton to remove from the Table the Petition of Mi Provencia, Maruf Hasan, for permission for a sign permit at 411-413 Essex Street and to grant with the stipulation that the sign be forest green with white lettering.

Motion carried by the following yea and nay vote:

11 YES 0 NO

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