

## CITY OF LYNN

Regular City Council Meeting, July 12, 2011  
Council President Timothy Phelan Presiding

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

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

*Dear Councilors:*

*I am hereby appointing the following to the Lynn Disability Commission effective immediately:*

<i>Pam Barry, 20 Moon Road,</i>	<i>Term expires: 7/12/12</i>
<i>Stanley Wotring, 14 Rock Avenue,</i>	<i>Term expires: 7/12/12</i>
<i>Joan Reynolds, 2 Victory Road,</i>	<i>Term expires: 7/12/13</i>
<i>Nicholas Capano, 105 Range Heights Road</i>	<i>Term expires: 7/12/13</i>
<i>Yolanda Morris, 56 Hillside Avenue</i>	<i>Term expires: 7/12/14</i>
<i>Lori Thompson, 4 Basse Circle</i>	<i>Term expires: 7/12/14</i>
<i>Roger Ennis, 227 Verona Street</i>	<i>Term expires: 7/12/14</i>

*Sincerely, Judith Flanagan Kennedy, Mayor*

**Motion made by Councillor Duffy and seconded by Councillor Ford to appoint Pam Barry, Stanley Wotring, Joan Reynolds, Nicholas Capano, Yolanda Morris, Lori Thompson and Roger Ennis to the Lynn Disability Commission, effective immediately.**  
**Motion carried by the following yea and nay vote:**  
**11 YES 0 NO**

**Communication from Her Honor the Mayor:**

*Dear Councilors:*

*I am hereby appointing the following individuals to the Lynn Municipal Finance Corporation board effective immediately:*

<i>Paula Mackin, 57 Woodlawn Street</i>	<i>Term expires: 7/12/12</i>
<i>Walter Gupfill, 11 Brooklawn Terrace</i>	<i>Term expires: 7/12/12</i>

*Sincerely, Judith Flanagan Kennedy, Mayor*

**Motion made by Councillor Colucci and seconded by Councillor Crowley to appoint Paula Mackin and Walter Gupfill to the Lynn Municipal Finance Corporation, effective immediately.**  
**Motion carried by the following yea and nay vote:**  
**11 YES 0 NO**

**Communication from Her Honor the Mayor:**

*Dear Councilors:*

*I am hereby appointing David Ellis, 89 Linwood Road to the Lynn Water & Sewer Commission. Mr. Ellis' term is effective immediately and will expire on June 30, 2014.*

*Sincerely, Judith Flanagan Kennedy, Mayor*

**Motion made by Councillor Colucci and seconded by Councillor Capano to appoint David Ellis to the Lynn Water and Sewer Commission effective immediately and will expire on June 30, 2014.**

**Motion carried by the following yea and nay vote:**

**11 YES 0 NO**

**Communication from Richard Fortucci, Treasurer:**

*Dear Councilors:*

*The following property has been redeemed. Please adjust your records accordingly.*

*321 Essex Street, Owner: Tina Siphon*

*Sincerely, Richard J. Fortucci, City Treasurer*

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

**Motion carried.**

**Reappointment of Frank Zipper to the Lynn Water & Sewer Commission.**

<b>CAHILL</b>	<b>Frank Zipper</b>	<b>DUFFY</b>	<b>Frank Zipper</b>
<b>CAPANO</b>	<b>Frank Zipper</b>	<b>FORD</b>	<b>Frank Zipper</b>
<b>COLUCCI</b>	<b>Frank Zipper</b>	<b>LOZZI</b>	<b>Frank Zipper</b>
<b>CRIGHTON</b>	<b>Frank Zipper</b>	<b>PHELAN</b>	<b>Frank Zipper</b>
<b>CROWLEY</b>	<b>ABSENT</b>	<b>TRAHANT</b>	<b>Frank Zipper</b>
<b>CYR</b>	<b>Frank Zipper</b>		

**Frank Zipper = 10 YES 0 NO (Councillor Crowley ABSENT).**

**PUBLIC HEARINGS:**

Public Hearing relative to a burnt, dilapidated or dangerous building or other structure located at 38 Rockaway Street and, after hearing, may make record an order adjudging it to be a nuisance to the neighborhood or dangerous and prescribing to its disposition, alteration, or regulation all as authorized by Massachusetts General Laws, Chapter 139, Section 1.

The following appeared in Favor:

Wendy Josephs, Lynn

Calvin Anderson, Lynn

Attorney Mary McKeon

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Colucci and seconded by Councillor Trahant to grant the demolition with the stipulation that the demolition will not proceed if there are satisfactory reports for a Rodent Inspection, Termite Inspection and Building Inspection and that Water, Electricity and Gas be connected to the building and inspected within 30 days of notification to the owner.**

**Motion carried by the following ye and any vote:**

**10 YES 0 NO**

**\*\*SEE END OF MEETING FOR ADDITIONAL COUNCIL ACTION.**

Petition of Yappy Pups Playhouse, Katherine Reyes, for permission for a Pet Sitting/Doggy Daycare business at 37 Parrott Street.

The following appeared in Favor:

Catherine Reyes, Lynn

The following appeared in Opposition:

Marie Perez, Parrott Street

Marco Medina spoke on behalf of his brother

Public Hearing Closed.

**Motion made by Councillor Trahant and seconded by Councillor Ford to DENY.**

**Motion carried by the following ye and nay vote:**

**11 YES 0 NO**

Petition of Casa Fiesta and Bridal Shop, Inc., Angela Cabrera, for permission for a retail store in the Light Industrial District, Section 4.4.1 of the Zone Ordinance at 461 Broad Street.

The following appeared in Favor:

Attorney Sam Vitali

No one appeared in Opposition.

Public Hearing Closed.

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

**Motion carried by the following ye and nay vote:**

**10 YES 0 NO (Councillor Trahant absent at vote).**

Petition of Greek-American Croatian Social Club, for permission for a Non-Profit social, fraternal civic organization, Sec. 5.3.8 of the Zone Ordinance and MGL c. 138, Sec. 12 with the sale of alcoholic beverages to members and guests at 39-41 Buffum Street, Second Floor.

The following appeared in Favor:

Attorney Sam Vitali

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 ye and nay vote:**

**11 YES 0 NO**

Petition of Holy Family Church “Festa Italiana”, Rev. Gregory J. Mercurio, for permission for a Festival-Carnival, July 28-29-30, 2011 at 26 Bessom Street.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Cyr and seconded by Councillor Lozzi to grant the prayer of the Petitioner.**

**Motion carried by the following yea and nay vote:**

**11 YES 0 NO**

Petition of Papa’s Italian Foods, Nichole DiModica, for permission for Cookie Manufacturing on premises for retail sale only at 20 Cooper Street.

The following appeared in Favor:

Nicole DiModica

No One appeared in Opposition.

Public Hearing Closed.

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

**Motion carried by the following yea and nay vote:**

**11 YES 0 NO**

Petition of El Rincon Latino, Celso N. Acosta, for permission for a Food Truck at 29 Bennett Street.

**Motion made by Councillor Capano and seconded by Councillor Ford to Accept the Letter of Withdrawal.**

**Motion carried by the following yea and nay vote:**

**11 YES 0 NO**

Petition of NRT Bus, Inc., John J. McCarthy, President for permission to park up to 21 school buses with provision for 15 automobile spaces, with flammable license at 896-898 Western Avenue.

The following appeared in Favor:

Attorney James Moore

No one appeared in Opposition.

Public Hearing Closed

**Motion made by Councillor Capano and seconded by Councillor Colucci to grant the prayer of the Petitioner with the following stipulations:**

**Smaller buses to be parked by the fence abutting the houses, Any bus coming back late in the evening be sent to a different location (Stewart Street), Fence to be installed on West Neptune Street so that buses cannot enter through that street.**

**Motion carried by the following yea and nay vote:**

**11 YES 0 NO**

Petition of Subway, Domino's Pizza, Youssef E. Abourjaili, for permission for Subway Sandwich shop, eat-in and take out and Domino's Pizza Restaurant, eat-in and take-out at 707 Western Avenue.

The following appeared in Favor:

Attorney Sam Vitali

No one appeared in Opposition.

Public Hearing Closed.

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

**Motion carried by the following yea and nay vote:**

**11 YES 0 NO**

Petition of National Grid, Mike Parent, for permission to install beginning at handhold 4-30 in front of 580 Essex Street and continuing approximately 10 feet in a SW direction, installing 10' of 2-2" PVC conduit for new street light.

The following appeared in Favor:

Joseph Ientile, National Grid

No one appeared in Opposition.

Public Hearing Closed.

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

**Motion carried by the following yea and nay vote:**

**10 YES 0 NO (Councillor Ford absent at vote).**

### **PUBLIC HEARINGS TO BE SET DOWN:**

-Petition of Banh Mi Café, Tony Svong Ly, for permission for a sandwich shop at 141 Essex Street.

-Petition of Verizon, Robert E. Grassia, for permission to place approximately 150 feet of Underground Conduit and one (1) hand hole on Nahant Street at the intersection of Tudor Street.

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

**Motion carried.**

**UNFINISHED BUSINESS:**

**Motion made by Councillor Colucci and seconded by Councillor Lozzi to remove from the table 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.**

**Motion carried.**

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

**Motion carried by the following yea and nay vote:**

**11 YES 0 No**

**COMMITTEE REPORTS:**

**Report of the July 12, 2011 Committee on Public Safety recommending the following to be accepted:**

The following individuals were appointed Constables:

Joanna Pena, 2 Murdock Drive, Peabody - **Granted**

Frantz Lahens, 16 Elm Street, Lynn - **Granted**

**REPORT ACCEPTED.**

**Report of the July 12, 2011 Committee on Minor Licenses recommending the following to be accepted:**

**TAXI OPERATORS (NEW):**

Adeyemi, Babatunde, 95 Neptune St.- 60 Day Review-Also see Item Notice from 6/22/11 - **DENY / EFFECTIVE IMMEDIATELY/SEND LETTER**

Doucette, Ronnie, 512 Farms Dr,Burlington-60 day review - **Tabled**

Foster, David, 285 Lynn Shore Dr - **GRANTED**

Joseph, Dwayne, 3 Kingsley Terr.- **GRANTED**

Raye, Mack, 551 Essex St.- **GRANTED**

Sacco, Michael, 39 Cottage St.-90 day review-tabled 6/21/11 - **DENIED**

Santana, Danilo R 80 West Dedham St Boston.- **GRANTED**

Tendongho, Jean, 374 Boston St. .- **GRANTED**

Thurston, Jamaal, 6 Nichols St.- **DENIED**

Williams, Henry Albert, 78 Central Ave. .- **GRANTED**

Zapata, Milton Orlando, 10 Friend St.-30 day review.- **GRANTED**

**LIVERY OPERATORS (NEW):**

Hill, David, 6 Prince St. .- **GRANTED**

Smith, Tyekiya, 65 Centre St. #3 30 day review.- **GRANTED**

Thurston, Jamaal, 6 Nichols St. pending address change - **DENIED**

**LIVERY BUSINESS (NEW):**

Northern Destinations LLC, 204 Blossom St. Ext-Maria Bencosme-30-Day  
Review - **Tabled 6/21/11 – Tabled to September 13<sup>th</sup> Meeting**

**PUBLIC HEARINGS-EXTENDED HOURS:**

108 Boston St.-Burger King- Sun-Wed 6 AM-12 Midnight Thurs-Sat-6 AM-2 AM - **Tabled**

116 Boston St.-Wendy's-Dining Room-Sun-Sat-10 AM-10 PM,  
Drive Thru-Sun-Sat 10 AM-4 AM - **Tabled**

122 Boston St-Lynn Shell-24 hours.- **GRANTED**

124 Broad St;-George's Roast Beef-Mon-Sat 10:30AM-2 AM  
Sunday-12 PM-2 AM.- **GRANTED**

264 Essex St.-7-11- 24 hours.- **GRANTED**

120-122 Liberty St.-Hess Corp #21510-24 hours.- **GRANTED**

3 Lynnfield St.-7-11, 24 hours.- **GRANTED**

364 Lynnway-Dunkin Donuts-24 hours.- **GRANTED**

377 Lynnway-Wendy's Dining Room-Sun-Sat 10 AM-10 PM Drive thru- Sun-Thur  
10AM- 1 AM Fri-Sat 10 AM-2AM.- **GRANTED**

535 Lynnway-Lynnway Shell-24 hours.- **GRANTED**

16 Market Sq.-Lynn House of Roast Beef-10:30 am-2 AM 7 days.- **GRANTED**

66 Market Sq.- Domino's Pizza-Sun-Thurs 11 AM-1 AM Fri-Sat-11 AM-2AM.- **GRANTED**

144 Market St.-Dragon Inn, 11am-2 am 7 days.- **GRANTED**

50 Western Ave-7-11- 24 hours.- **GRANTED**

969 Western Ave.-A L Prime Energy- 24 hours.- **GRANTED**

**EXTENDED HOURS-P.H. TO BE SET DOWN FOR AUG 9, 2011:**

60 Boston St., McDonalds, Dining Room-5AM- 10 PM Drive Thru- 24 hours.- **GRANTED**

64 Franklin St.-El Calmadon (formerly Los Hermanos)- 24hours.- **GRANTED**

567 Lynnway-McDonalds- Dining Room 5AM- 10 PM Drive  
Thru 24 hours 7 days.- **GRANTED**

17 Market Sq. – People's Choice, 10:30 am-2 AM 7 days.- **GRANTED**

**DOOR TO DOOR SOLICITING:**

115 North St., Salem, MA. A & A SERVICES, INC. .- **GRANTED**

**OLD GOLD & SILVER LICENSE:**

51 Central Square, Omar & Oscar Jewelry.- **GRANTED**

**SECOND HAND ARTICLE LICENSE:**

46 Ocean Street, Ocean Street Treasure.- **GRANTED**

**NEW SIGN LICENSE:**

250 Chatham St., Benjy's Convenience Store.- **GRANTED**

73 Cottage St., Milton's Variety Store.- **GRANTED**

**RENEWAL SIGN LICENSE:**

18B Alley St., Carribean Auto Repair.- **GRANTED**

22 Bennett St., Perrotti's Welding & Fabrication.- **GRANTED**

47 Bennett St., REM Auto Body.- **GRANTED**

55 Boston St., Over Easy.- **GRANTED**

65 Boston St., Ernies Harvest Time.- **GRANTED**

337 Boston St., Boston Street Variety.- **GRANTED**

369 Boston St., Lucky Seven Market.- **GRANTED**  
524 Boston St., Loomos Brothers, Inc. .- **GRANTED**  
617 Boston St., JJ Pizza.- **GRANTED**  
624 Boston St., Family Corner Grocery.- **GRANTED**  
826 Boston St., Riverside II.- **GRANTED**  
9 Broad St., DNT Nails (2009 Tax Title) .- **GRANTED**  
159 Broad St., Congress Insurance.- **GRANTED**  
170 Broad St., Champion Bar & Grill.- **GRANTED**  
174 Broad St., Olympic Auto Body.- **GRANTED**  
411 Broad St., Meineke Car Care.- **GRANTED**  
451 Broad St., Concord Electric Supply.- **GRANTED**  
229 Broadway, Richdale.- **GRANTED**  
322 Broadway, W.L. Winston Insurance.- **GRANTED**  
73 Buffum St., Lucky Strike.- **GRANTED**  
47 Central Ave., Lynn Central.- **GRANTED**  
102 Central Ave., The Sign Store.- **GRANTED**  
326 Chatham St., Automotive Service.- **GRANTED**  
439 Chatham St., Chatham Food Mart.- **GRANTED**  
155 Chestnut St., Neighbors Cleaners.- **GRANTED**  
234 Chestnut St., Fleming Towing.- **GRANTED**  
115A Commercial St., Curry Fried Chicken.- **GRANTED**  
136 Cottage St., West Lynn Auto Garage.- **GRANTED**  
37 Essex St., Dee's Corner, II.- **GRANTED**  
306 Essex St., Barretts Bull Pen.- **GRANTED**  
391a Essex St., Hair Plus .- **GRANTED**  
598 Essex St., Cannon's Place Barbershop.- **GRANTED**  
602 Essex St., Tropical Enterprises.- **GRANTED**  
137 Euclid Ave., Connor R.E. .- **GRANTED**  
148 Fayette St., Mike's Auto Body.- **GRANTED**  
98 Federal St., Teresa Fashion .- **GRANTED**  
105 Federal St., Hibernians.- **GRANTED**  
64 Franklin St., El Colmadon .- **GRANTED**  
11 Lewis St., Hair Affair ( Tax Title 2009) .- **GRANTED**  
13 Lewis St, C & L Convenience.- **GRANTED**  
15 Lewis St., Giovanni's.- **GRANTED**  
17 Lewis St., Show Of Hands Nail Salon.- **GRANTED**  
163 Lewis St., Shoreline Grill & Pizza.- **GRANTED**  
175 Lewis St., Liberty Tax Service.- **GRANTED**  
179 Lewis St., Perkins Property.- **GRANTED**  
183 Lewis St., Casa Molina.- **GRANTED**  
234 Lynnfield St., Touch Of Color.- **GRANTED**  
276 Lynnway, R & B Imports.- **GRANTED**  
500 Lynnway, Italmarble Company, Inc.- **GRANTED**  
540 Lynnway, Kelly Honda.- **GRANTED**

83 Marion St., Giovanni's.- **GRANTED**  
 24 Market St., J & M Dollar Discount.- **GRANTED**  
 26 Market St., Good Days Video.- **GRANTED**  
 30 Market St., North Shore Vacuum.- **GRANTED**  
 98 Market St., Super 99 Cents State, Inc.- **GRANTED**  
 2 Mason St., Gem Auto Parts.- **GRANTED**  
 10 Munroe St., The Salvation Army.- **GRANTED**  
 23 Munroe St., Fernando's Restaurant.- **GRANTED**  
 90 Munroe St., Jazzy Sports.- **GRANTED**  
 92 Oakville St., Dandreo Brothers Construction.- **GRANTED**  
 46 Ocean St., Ocean Street Treasure.- **GRANTED**  
 50 Ocean St., Breeze Hair Studio.- **GRANTED**  
 191 Oxford St., The Blue Ox Restaurant.- **GRANTED**  
 114-118 South Common St. Cibao Market.- **GRANTED**  
 353-355 Summer St., Amigo Market.- **GRANTED**  
 419 Summer St., Wal's Dry Cleaning.- **GRANTED**  
 624 Summer St., Roberts Cleaners, Inc.- **GRANTED**  
 15 Union St., Rincon Criollo Rest.- **GRANTED**  
 95 Union St., Desi's Hair Design.- **GRANTED**  
 108 Union St., Okikukai Karate Do ( Tax Title) .- **GRANTED**  
 193 Union St., B & V Pawn Shop.- **GRANTED**  
 201 Union St., Mi Guatemala Bakery.- **GRANTED**  
 203-205 Union St., Jimenez Market Corp.- **GRANTED**  
 280 Union St., Willow Pharmacy.- **GRANTED**  
 546 Walnut St., T. Stop Superette.- **GRANTED**  
 144 Washington St., Chicky's Hair Stylist.- **GRANTED**  
 209 Washington St., Family Market.- **GRANTED**  
 465 Washington St., Panakio Adjusters.- **GRANTED**  
 32 Western Ave, Proodian & Sons Rugs.- **GRANTED**  
 111 Western Ave. John's Roastbeef.- **GRANTED**  
 341 Western Ave., Dr Dowling.- **GRANTED**  
 444 Western Ave., C & C Machinery.- **GRANTED**  
 471 Western Ave., Friendly Insurance.- **GRANTED**  
 472 Western Ave., CC Impressions Hair Salon.- **GRANTED**  
 596B Western Ave., T K Nails.- **GRANTED**  
 659 Western Ave, Desi Barber Shop.- **GRANTED**  
 834 Western Ave., Sadiyah's Salon.- **GRANTED**  
 883 Western Ave., Supreme Sub.- **GRANTED**  
 896-898 Western Ave., Dea's Diner.- **GRANTED**

**FLAMMABLE – RENEWAL:**

41 Carolyn Rd. – Petruccelli Construction Co., Inc.

***(Tabled 6/21/11, landlord owes \$ 31,183.30 FY 2010 & 2011 see tax payment printout)- Granted w/60 Day Reivew***

512 Chestnut St. – Global #2450.- **GRANTED**

2 Circle Ave. – Lynn Water & Sewer Commission.- **GRANTED**

**AUTO REPAIR/FLAMMABLE RENEWAL:**

84 Bennett St. – Joselo Auto Repair.- **GRANTED**

371 Summer St. – B & J Auto Center.- **GRANTED**

1071 Western Ave, Angel Auto Repair *tabled from 5/24 – taxes paid in full.*- **GRANTED**

1071 Western Ave Ana Auto Repair *tabled from 5/24 – taxes paid in full.*- **GRANTED**

**OTHER BUSINESS:**

**REPORT ACCEPTED.**

**Report of the July 12, 2011 Committee on Ordinance recommending the following to be accepted:**

Proposed Ordinance Establishing FloodPlain Districts in the City of Lynn. - **TABLED**

A Proposed Ordinance Amending the Ordinance Establishing Permit Fees in the Inspectional Services Department, Building Division of the city of Lynn. (**Set Down for Public Hearing**).  
**REPORT ACCEPTED.**

**Report of the July 12, 2011 Committee on Public Property recommending the following to be accepted.**

Discussion re: Request to purchase city-owned property on Liberty Street and Buffum Street. – **TABLED**

**REPORT ACCEPTED.**

**NEW BUSINESS:**

**Motion made by Councillor Crowley and seconded by Councillor by Capano to send letter to the Inspectional Services Department requesting that their Inspectors take note of graffiti in the City and report the same to the DPW via the DPW website.**

**Motion carried.**

**Motion made by Councillor Crighton and seconded by Councillor Cahill to invite all Councillors to Raw Arts on July 23, 2011 for food and music while the Raw Art students paint various mailboxes in the downtown area.**

**Motion carried.**

**Motion made by Councillor Capano and seconded by Councillor Crowley to request that the Mayor approve overtime or the hiring of a temporary person for the Department of Public Works to work on the removal of graffiti throughout the City of Lynn.**

**Motion carried.**

**Motion made by Councillor Capano and seconded by Councillor Cyr to send a letter to the MBTA requesting that they send a representative to appear before the next scheduled City Council meeting to explain what their plans are to repair their property in the City of Lynn.**

**Motion carried.**

**Motion made by Councillor Colucci and seconded by Councillor Ford to allow Attorney Rosen from the bank for the property at 38 Rockaway to make remarks.**

**Motion carried.**

**Motion made by Councillor Colucci and seconded by Councillor Cyr to include Attorney Rosen's remarks as part of the record.**

**Motion carried.**

**Motion made by Councillor Crighton and seconded by Councillor Trahan to request that a representative of the VNA appear at the next scheduled City Council meeting to update the council on the progress of their project on Market/Broad Street.**

**Motion carried.**

**Motion made by Councillor Colucci and seconded by Councillor Duffy 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**