

CITY OF LYNN

**Regular City Council Meeting, January 10, 2012
Council President Timothy Phelan Presiding**

Eleven Councillors Present

Moment of Silence. Councillor Barton asked that Jackie Noone and Bob McManus be remembered.

Pledge of Allegiance.

Motion made by Councillor Colucci and seconded by Councillor Cyr to accept the Meeting Minutes of December 13, 2011, December 27, 2011, and January 2, 2012.

COMMUNICATIONS:

Communication from Her Honor the Mayor:

Dear Councilors:

I am hereby appointing Mr. Donald Walker, 38 Blakeley Street, Lynn, MA to the Lynn Municipal Finance Corporation board. Mr. Walker's term is effective immediately and will expire on September 1, 2014. Sincerely, Judith Flanagan Kennedy, Mayor

Motion made by Councillor Cyr and seconded by Councillor Trahan to suspend the rules and appoint Donald Walker to the Lynn Municipal Finance Corporation Board, effective immediately and will expire on September 1, 2014.

Motion carried by the following yea and any vote:

11 YES 0 NO

Communication from Richard Fortucci, Treasurer:

Dear Councilors:

The following properties have been redeemed. We are petitioning the Court to vacate the decree, so the property will revert back to the owner:

Parcel 081-584-014 Newhall Street – Tails Realty Trust

Parcel 081-584-018 9 Chancery Lane – Arthur Costonis, Trustee

Please adjust your records accordingly. Sincerely, Richard J. Fortucci, City Treasurer

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

Motion carried.

PUBLIC HEARINGS:

Petition of Super King Wok, Inc., DBA Dragon Inn Chinese Restaurant, Sheng Ping Ou, for permission to add an “All Alcohol License as a Common Victualler to existing restaurant at 144 Market Street.

The following appeared in Favor:

Sheng Ping Ou, Lynn

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Crighton and seconded by Councillor Colucci to amend petition at the request of the Petitioner for a “Beer and Wine” License.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councillor Crighton and seconded by Councillor Trahan to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Irving Federal Street, LLC, James Irving, for permission to perform automotive repairs of engines and mechanical components with related inside storage of inflammables at 77 Marion Street, 452-454 Boston Street.

-Petition of Apsara-Angkor Restaurant, Sokhoeun Chea, for a sign permit at 877 Western Avenue.

-Petition of All Care VNA and Hospice, James Treacey, for a sign permit at 210 Market Street.

-Petition of Lisa Velando Muscular Therapy, Lisa Velando, for permission for a Muscular Therapy Office – Massage & Physical Therapy in a Light Industrial Zone at 161 Eastern Avenue (must include unit number)

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

Motion carried.

COMMITTEE REPORTS:

Report of the January 10, 2012 Committee on Waterfront Zone Site Plan Review recommending the following to be accepted:

1. 330 Lynnway – **Granted**
2. **NEW BUSINESS:**

REPORT ACCEPTED

Report of the January 10, 2012 Committee on Minor Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW)

Badillo, Wilfredo, 107 Bridge St. Salem-30 day review - **Granted**
 Bruno, Ramon, 138 Franklin St. #7 - **Granted**
 Doucette, Clarence, 64 Lowell St. - **Granted**
 Drake, Kwame, 534 Essex St.-60 day review - **Tabled**
 Guerrero, Alberto, 24 Park St. - **DENIED**
 Kenney, Lisa, 3 Gage St. Beverly-30 day review - **Tabled**
 Lora, Pedro, 27 Houston Pl. - **Granted**
 Mason, Michael S. 187 Washington St. - **Granted**
 Pena, Julio, 185 No, Common St.-60 day review - **Tabled**
 Putis, Dave, 20 Park St. - **Tabled**
 Soltys, Alphonse E. 71 Harvest St- **Granted**

LIVERY OPERATORS (NEW)

Ago, Michael, 55 Jenness St. - **Granted**
 Smith, Tyekiya, 65 Centre St.-120 day review- **Granted**
 Richard Dell - - **Granted**

TAXI COMPLAINT

Union Taxi, 202 Blossom St. Ext.- - **Accepted for the files.**

AUTO BODY/AUTO REPAIR/FLAMMABLE LICENES – NEW

17 Alley St. - Italamando (tabled from Dec. 27, 2011) - **Granted**

FLAMMABLE – NEW

623 Lynnway – Securitech Lock, Inc. dba Massachusetts Recovery Bureau- **Granted**

CLASS II AUTO DEALER/ AUTO BODY/ AUTO REPAIR/FLAMMABLE,RENEWAL

71-79 Bennett St. – Saugus Auto Craft, Inc.

CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE, RENEWAL

350 Chestnut St. – East Lynn Auto- **Granted**

315 Lynnway – Lynn Motor Sales - **Granted**

361 Lynnway – Ron Costa’s Auto World - **Granted**

730 Lynnway – Coast Corp. dba Car Sales- **Granted**

811 Lynnway – Far East Exports, Inc. dba North Shore Auto Mall - **Granted**

921 Western Ave. – Ideal Auto Sales- **Granted**

CANNING:

Pine Hill Little League (Adults Only) – May 5, 6, 7, 2012- **Granted**

West Lynn American Little League (Adults Only) – May 31, June 1, 2, 2012- **Granted**

OTHER BUSINESS:

Councillor Cyr stated that he had received complaints regarding Comcast going “Door-to-Door”. Motion made by Councillor Cyr and seconded by Councillor Net to request the Solicitor’s Office to forward a letter to Comcast stating they are in violation of the city ordinance. Motion carried. Councillor Cyr also asked that they be invited to the next meeting. Motion carried.

Discussion re: Auto Auction License: Motion made by Councillor Lozzi and seconded by Councillor Net to set down Public Hearing on February 14, 2012. Motion carried.

REPORT ACCEPTED.

Report of the January 10, 2012 Committee on Ways and Means recommending the following to be accepted:

Recommends that the Lynn City Council be requested to set down a Public Hearing relative to a burnt, dilapidated or dangerous building or other structure located at 22 High Rock 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. **(Granted)**

Report of the January 10, 2012 Committee on Finance recommending the following to be accepted:

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

From the Account of Police Department Expense:

To the Account of Police Department Unpaid Bills of Prior Years: \$ 9,531.00

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 Police Department Expense to the Account of Police Department Unpaid Bills of Prior Years in the amount of \$9,531.00.

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 Fire Department Expense:
To the Account of Fire Department Unpaid Bills of Prior Years: \$ 900.00
(Lays over to January 24, 2012).

From the Account of the Reserve Fund:
To the Account of Fire Department Payroll: \$75,000.00
(Lays over to January 24, 2012).

From the Account of Reserve Fund:
To the Account of Comptroller Expense: \$ 200.00
(Lays over to January 24, 2012).

Appropriate as an "Available Fund" the amount of SIXTEEN THOUSAND NINETY NINE DOLLARS AND SIXTEEN CENTS (\$16,099.16) as awarded to the City of Lynn Fire Department by the Commonwealth of Massachusetts State 911 Department Training Grant Program (EPS) **(Lays over to January 24, 2012).**

NEW BUSINESS:

Request Her Honor the Mayor immediately fund, from any available funding source, and then without delay, advertise, solicit candidates for, and hire a full-time Grant Writer for the City of Lynn.

Councillor Barton 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 Request that Her Honor the Mayor immediately fund, from any available funding source, and then without delay, advertise, solicit candidates for, and hire a full-time Grant Writer for the City of Lynn.

T HEREFOR E 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 Her Honor the Mayor may execute a Feasibility Study Agreement with the Massachusetts School Building Authority for the purpose of analyzing alternatives for the construction of a new Thurgood Marshall Middle School.

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 may execute a Feasibility Study Agreement with the Massachusetts School Building Authority for the purpose of analyzing alternatives for the construction of a new Thurgood Marshall Middle School.

T HEREOF 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

Resolved: Having convened in an open meeting on January 10, 2012, the City Council of Lynn, Massachusetts, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated January 11, 2012, for the Lynn Vocational Technical Institute, which describes and explains the following deficiencies and the priority category(s) for which Lynn may be invited to apply to the Massachusetts School Building Authority in the future:

Replacement of existing roof with a new EPDM roof with three inches of insulation allowing for reduced heat loss, increased energy conservation and overall reduced energy consumption as a priority Statement of Interest for the MSBA Accelerated Repair Program for 2012.

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

Councillor Lozzi 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 Resolved: Having convened in an open meeting on January 10, 2012, the City Council of Lynn, Massachusetts, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated January 11, 2012, for the Lynn Vocational Technical Institute, which describes

and explains the following deficiencies and the priority category(s) for which Lynn may be invited to apply to the Massachusetts School Building Authority in the future:

Replacement of existing roof with a new EPDM roof with three inches of insulation allowing for reduced heat loss, increased energy conservation and overall reduced energy consumption as a priority Statement of Interest for the MSBA Accelerated Repair Program for 2012.

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

T HEREOFRE 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

Resolved: Having convened in an open meeting on January 10, 2012, the City Council of Lynn, Massachusetts, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated January 11, 2012, for the Breed Middle School located at 90 O'Callaghan Way, which describes and explains the following deficiencies and the priority category(s) for which Lynn may be invited to apply to the Massachusetts School Building Authority in the future:

Replacement of single pane Lexan set-in-steel windows original to the 1977 building to increase energy conservation and decrease energy related costs as a priority Statement of Interest for the MSBA Accelerated Repair Program for 2012.

and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

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 Resolved: Having convened in an open meeting on January 10, 2012, the City Council of Lynn, Massachusetts, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to

submit to the Massachusetts School Building Authority the Statement of Interest Form dated January 11, 2012, for the Breed Middle School located at 90 O'Callaghan Way, which describes and explains the following deficiencies and the priority category(s) for which Lynn may be invited to apply to the Massachusetts School Building Authority in the future:

Replacement of single pane Lexan set-in-steel windows original to the 1977 building to increase energy conservation and decrease energy related costs as a priority Statement of Interest for the MSBA Accelerated Repair Program for 2012.

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T HEREOFRE 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 made by Councillor Colucci and seconded by Councillor Trahant 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