

**CITY OF LYNN**

**Regular City Council Meeting, December 10, 2013  
Council President Timothy Phelan Presiding**

**Nine Councillors Present (Councillor Crighton and Councillor Trahant absent)  
Moment of Silence. Council President Phelan asked that Nelson Mandela be remembered.  
Pledge of Allegiance.**

**Motion made by Councillor Colucci and seconded by Councillor Lozzi to accept the Meeting  
Minutes of November 26, 2013.  
Motion carried.**

**COMMUNICATIONS:****Communication from the Collector of Taxes, Frederick B. Cronin, Jr.:**

In accordance with the procedures established by the Massachusetts Ethics Commission, I am hereby notifying you that I intend to reappoint my brother, Ralph W. Cronin, to the position of Deputy Tax Collector for the year 2014. I would expect that he would earn in excess of eighty thousand dollars (\$80,000) from which other deputy collectors, supplies, postage, and other expenses must be paid. Pursuant to the Ethics Commission requirements, I would be grateful if you would approve this appointment and notify me in writing that my "...brother's financial interest in his position is not so substantial as to be deemed likely to affect the integrity of the services which the City may expect..." from me should I make the appointment. Thank you for your courtesy and cooperation. Very truly yours, Frederick B. Cronin, Jr., Collector of Taxes.

**Motion made by Councillor Colucci and seconded by Councillor Barton to grant.  
Motion carried by the following yea and nay vote:  
9 YES 0 NO (Councillors Crighton and Trahant absent).**

**City Council Re-Appointments:**

**Lynn Human Rights – Jeanne McAuley - Motion made by Councillor Colucci and seconded  
by Councillor Barton to suspend the rules and re-appoint Jeanne McAuley to the Lynn  
Human Rights Commission, effective immediately and will expire on December 10, 2014.  
Motion carried by the following yea and nay vote:  
9 YES 0 NO (Councillors Crighton and Trahant absent).**

**Lynn Human Rights – Jesse J. Warren, Jr. – Motion made by Councillor Colucci and seconded by Councillor Barton to suspend the rules and re-appoint Jesse J. Warren, Jr. to the Lynn Human Rights Commission, effective immediately and will expire on December 10, 2014. Motion carried by the following ye and nay vote:  
9 YES 0 NO (Councillors Crighton and Trahant absent).**

### **PUBLIC HEARINGS:**

Public Hearing relative to a Bond Order To Pay Costs of Constructing, Originally Equipping and Furnishing a New Middle School.

A BOND ORDER TO PAY COSTS OF CONSTRUCTING, ORIGINALLY EQUIPPING AND FURNISHING A NEW MIDDLE SCHOOL

BE IT ORDERED, BY THE CITY COUNCIL OF THE CITY OF LYNN

AS FOLLOWS:

That the City appropriates the amount of Ninety Two Million Dollars (\$92,000,000) for the purpose of paying costs of constructing, originally equipping and furnishing a new Thurgood Marshall Middle School, to be located at 92 – 118 – 120 Brookline Street Address], in Lynn, including the payment of all costs incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children for at least 50 years, and for which the City may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the School Building Committee. To meet this appropriation the City Treasurer, with the approval of the Mayor, is hereby authorized to borrow the sum of Ninety Two Million Dollars (\$92,000,000) under and pursuant to Chapter 44, Section 7, Clause (3) of the General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City therefor. The City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the City incurs in excess of any grant approved by and received from the MSBA on account of the Project shall not exceed the lesser of (i) eighty percent (80%) of eligible approved Project costs, as determined by the MSBA, or (ii) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement relating to the Project that may be executed between the City and the MSBA. FURTHER ORDERED: That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the “Commonwealth”) to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

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 a Bond Order to pay costs of Constructing, Originally Equipping and Furnishing a New Middle School - (\$92,000,000).**

**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:**

**9 YES 0 NO (Councillors Crighton and Trahant absent).**

**Emergency Order was then adopted by the following yea and nay vote:**

**9 YES 0 NO (Councillors Crighton and Trahant absent).**

Public Hearing to make a determination on the percentages of the FY2014 Tax Levy to be borne by each class of real and personal property.

The following appeared in Favor:

Peter Caron, CFO

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Colucci and seconded by Councillor Lozzi to set the rate with the lowest residential factor.**

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

**9 YES 0 NO (Councillors Crighton and Trahant absent).**

Public Hearing relative to a burnt, dilapidated or dangerous building or other structure located at 4 Kenwood Terrace 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.

No one appeared in Favor.

The following appeared in Opposition:

Michael Carriere, 283 Ocean Street #1807, Revere (Owner)

Attorney from Wells Fargo Mortgage

Calvin Anderson, Lynn Historical Commission

Public Hearing Closed.

**Motion made by Councillor Cyr and seconded by Councillor Colucci to TABLE.**

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

**9 YES 0 NO (Councillors Crighton and Trahant absent).**

Petition of Nunez Barber Shop, Jesus Nunez, for permission for a sign permit at

420 Essex Street.

The following appeared in Favor:

Jesus Nenez, Owner

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Colucci and seconded by Councillor Net to grant the prayer of the petitioner.**

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

**9 YES 0 NO (Councillors Crighton and Trahant absent).**

Petition of Top of the Line Haircuts, Michael Perez, for permission for a sign permit at 515 Boston Street.

The following appeared in Favor:

Michael Perez, Owner

No one appeared in Opposition.

Public Hearing Closed.

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

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

**9 YES 0 NO (Councillors Crighton and Trahant absent).**

Petition of Lupita Restaurant, Inc., d/b/a Tacos Lupita for permission for change of license from Wine and Malt Beverages to 7 day All Alcohol License Tuesday through Sunday, 10:30 a.m. to 11:00 p.m.

The following appeared in Favor:

Attorney Sam Vitali

No one appeared in Opposition.

Public Hearing Closed.

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

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

**9 YES 0 NO (Councillors Crighton and Trahant absent).**

**PUBLIC HEARINGS TO BE SET DOWN:**

-Petition of Agueda Jiminez for permission for General Community Services and Accounting Services with sign at 51 Mt. Pleasant Street, Monday through Saturday, 9:00 a.m. -12:00 p.m. and 2:00 p.m. - 6:00 p.m.

**Motion made by Councillor Colucci and seconded by Councillor Net to set down for a Public Hearing.**

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

**9 YES 0 NO (Councillors Crighton and Trahant absent).**

### **COMMITTEE REPORTS:**

**Report of the December 10, 2013 Committee on Public Safety recommending the following to be accepted:**

**The following individuals were appointed Constables:**

Eriberto Garcia, North Andover - **Granted**

Fotis Plessas, Lynn- **Granted**

**REPORT ACCEPTED.**

**Report of the December 10, 2013 Committee on Minor Licenses recommending the following to be accepted:**

#### **TAXI OPERATORS (NEW)**

Caban, Antonio. 167 Ferry St. R#4. Everett. (*Case Open: See Chelsea District Court Letter*) - **Withdrawn**

Canney, Marc. 34 Rockaway St - **Granted**

Hasanuzzaman, MD. 90 Light St # 16.- **Tabled**

Kutuusa, Mariam Ntambi. 57 Clarendon Ave. - **Granted**

Slager, Jeremy. 42 River St # 4- **Granted w/ 30-60-90 Day Review**

Taylor, Denice. 14 Phillips Ave. (*Also Livery*) - **Granted**

Tiblan, James. 8 Wilson St # 2- **Granted**

Valera, Kelvin 255 Russell St Everett (*11/12/13 Deny no Show*) *Reapplying* - **Tabled**

#### **TAXI OPERATORS- 30 DAY REVIEW.**

Baptiste, Rony. 427 Western Ave. - **Granted**

Bruno, Ramon. 138 Franklin St. #7. (*TABLE No Show on 11/26/13*) - **Granted**

Perez, Angel. 105 Empire St. # 2. (*works for Union Taxi, LLC*) - **Tabled**

#### **LIVERY OPERATORS-NEW**

Taylor, Denice. 14 Phillips Ave. (*Also Taxi*) - **Granted**

### **LIVERY OPERATORS -60 DAY REVIEW**

Anderson, Kerianne. 15 Crowninshield St #401. Peabody. (*TABLE No Show on 11/26/2013*) - **Granted**

**AUCTION- NEW**

14 Glenwood Cir., PRG Auctions (Patrick Gecoya) - **Granted**

**OLD GOLD & SILVER-RENEWAL**

800 Lynnway, Duc Anh (Watch & Clock Repair) - **Tabled**

62 Market Sq., All Checks Cashed, Inc- **Granted**

431 Lynnway, Empire Loan Of Lynn- **Granted**

810 Lynnway, Marcelino Jewelry- **Granted**

810 Lynnway, Cubano Salvadorena (Review for open cases) - **Tabled**

433 Washington St., A & S Pawn - **Granted**

**PAWN SHOP – RENEWAL**

431 Lynnway, Empire Loan of Lynn- **Granted**

810 Lynnway, Marcelino Jewelry- **Granted**

433 Washington St., A & S Pawn- **Granted**

**SECOND HAND- RENEWAL**

142 Essex St., Clary's Place Consignment- **Granted**

270 Lynnway, R & B Imports- **Granted**

431 Lynnway, Empire Loan Of Lynn- **Granted**

800 Lynnway, Duc Anh (Watch & Clock Repair- **Tabled**

810 Lynnway, Marcelino Jewelry- **Granted**

41 State St., Game Stop #6006- **Granted**

602 Summer St., VIP Appliance Service- **Granted**

242 Union St. The Tech Stop- **Granted**

**SIGN-RENEWAL**

155-159 Lewis St., Foul Play- **Granted**

**AUTO AUCTION/AUTO REPAIR/FLAMMABLE – RENEWAL**

732R Lynnway - Coast Corp. DBA Car Sales, Inc. (Change of name of business, OK per J. Lamanna) - **Granted**

**CLASS I AUTO DEALER/AUTO REPAIR/FLAMMABLE–RENEWAL**

522 & 540 Lynnway – Kelly Automotive Group, Inc. DBA Kelly Honda- **Granted**

**CLASS II AUTO DEALER/AUTO BODY/AUTO REPAIR/FLAMMABLE – RENEWAL**

174 Broad St. – Olympic Auto Body & Sales, LLC- **Granted**

**CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE – RENEWAL**

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

100 Ford St. – Sooren Inc. DBA Performance Auto Brokers (taxes owed- \$2,862.55) - **Granted**

730R Lynnway – Coast Corp. DBA Car Sales, Inc. (note: same name as Auto Auction, - OK per J. Lamanna) - **Granted**

**REPORT ACCEPTED.**

**Report of the December 10, 2013 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 43 Graves Road 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 ACCEPTED.**

**Report of the December 10, 2013 Committee on Finances recommending the following to be accepted:**

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

Certify as an “Available Fund” the amount of Four Hundred Thirty Thousand Four Hundred Eighty Nine Dollars and Zero Cents (\$430,489.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for Title III FY14 Grant. Grant period 11/21/13-8/31/14.

**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 Available Funds in the amount of Four Hundred Thirty Thousand Four Hundred Eighty Nine Dollars and Zero Cents (\$430,489.00) as allotted to the City of Lynn School Department by the Department of Elementary and Secondary Education (DESE) for Title III FY14 Grant. Grant period 11/21/13-8/31/14.**

**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:**

**9 YES 0 NO (Councillors Crighton and Trahan absent).**

**Emergency Order was then adopted by the following yea and nay vote:**

**9 YES 0 NO (Councillors Crighton and Trahan absent).**

Transfer from the Energy Rebates Transfer Account to the Account of ISD Expense/Capital Repairs, the sum of One Hundred Forty One Thousand One Hundred Fifty Dollars and Zero Cents. (\$141,150.00).

**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 Energy Rebates Transfer Account to the Account of ISD Expense/Capital Repairs, the sum of One Hundred Forty One Thousand One Hundred Fifty Dollars and Zero Cents. (\$141,150.00).

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:

9 YES 0 NO (Councillors Crighton and Trahant absent).

Emergency Order was then adopted by the following yea and nay vote:

9 YES 0 NO (Councillors Crighton and Trahant absent).

**Accept the November 26, 2013 Committee on Finance Report.**

Transfer the sum of Seventeen Thousand Dollars (\$17,000.00) from the Election/Transfer Acct to the City Clerk Expense Account. - **Granted**

Transfer the sum of Twenty Five Thousand Three Hundred Twenty Two Dollars and Six Cents (\$25,322.06) from the Reserve Account to the various accounts. - **Granted**

Transfer the sum of Twenty Two Thousand Six Hundred Dollars and Zero Cents from the Reserve Account to the Personnel Expense/Outside Professional Account. - **Granted**

Transfer the sum of Thirty Two Thousand Eight Hundred Eleven Dollars and Zero Cents (\$32,811.00) from the Reserve Account to the various Parking Department Accounts. - **Granted**

**REPORT ACCEPTED.**

**NEW BUSINESS:**

Councillor Ford acknowledged West Lynn Pop Warner and how proud the City of Lynn was to have them represented in the Florida Football finals.

Motion made by Councillor Colucci and seconded by Councillor Ford to adjourn.  
Motion carried.

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**