

CITY OF LYNN

**Regular City Council Meeting, January 22, 2013
Council President Timothy Phelan Presiding**

Eleven Councillors Present

Moment of Silence. Council President Phelan asked that Councillor Cahill's Grandfather, William R. Rogers be remembered in their prayers.

Pledge of Allegiance.

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

I am respectfully vetoing the Ordinance passed, with Emergency Preamble, regarding Medical Marijuana for many reasons but primarily because of its suspected unconstitutionality. I will be forwarding a second letter further detailing my reasons to you prior to the City Council meeting scheduled for Tuesday, January 22, 2013. Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn.

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

Communication from Her Honor the Mayor:

Dear Councilors:

I am hereby appointing the individuals listed below to the Office of Economic and Community Development Citizens' Advisory Board to replace resigned members: Lisa Bishop, William Maciak, Eunice Sanchez and Irma Chez. Sincerely, Judith Flanagan Kennedy, Mayor

Motion made by Councillor Colucci and seconded by Councillor Trahan to suspend the rules and appoint Lisa Bishop, William Maciak, Eunice Sanchez and Irma Chez.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Communication from Her Honor the Mayor:

I am hereby appointing the individuals listed below to the Lynn Cultural Council: Sarah Jackson, Farah Ahmad, David Simmons and Enzo Surin. Their terms are effective immediately and will expire on December 31, 2014. Sincerely, Judith Flanagan Kennedy.

Motion made by Councillor Colucci and seconded by Councillor Trahan to suspend the rules and appoint Sarah Jackson, Farah Ahmad, David Simmons and Enzo Surin, effectively immediately and will expire December 31, 2014.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councillor Barton and seconded by Councillor Trahan to suspend the rules to present former Fire Chief, Dennis Carmody with a plaque from the City Council in recognition of his recent retirement from the Lynn Fire Department.

Motion carried.

COMMITTEE REPORTS:**Report of the January 22, 2013 Committee on Ways and Means recommending the following to be accepted:**

Ordered that Her Honor the Mayor is hereby authorized to execute a contract in excess of three (3) years with Trane USA to perform energy efficient projects in the City of Lynn, pursuant to MGL, C. 25A.

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 an Order that Her Honor the Mayor is hereby authorized to execute a contract in excess of three (3) years with Trane USA to perform energy efficient projects in the City of Lynn, pursuant to MGL, C. 25A.

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

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 50 Estes 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 ACCEPTED.

Report of the January 22, 2013 Committee on Minor Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW)

Adames Jimenez, Jose, 30 Surfside Rd. #7 - **Granted**
 Calcano, Richard, 204 Washington St. #102- **Granted**
 Dominguez, David, 16 Ward St. Salem - **DENIED**
 Espinal, Ariel F. 10 First St. #506- **Granted**
 Prince, Serge, 199 Allen Ave. - **Granted**
 Soriano, Jose R. 67 Franklin St. #1- **Granted with 30-60-90 Day Review**

TAXI OPERATORS – TABLED

Guy, Nathaniel K. 61 Park St. (tabled 1/8/13) - **DENIED**
 Kakou, Eugene A. 105 Empire St. (tabled 1/8/13) -**DENIED**
 Macario, Isidro B. 31 Acorn St. (tabled 1/8/13) - **Granted**

LIVERY OPERATORS-NEW

Espinal, Ariel F., 10 First St. #506. - **Granted**

LIVERY SERVICE BUSINESS (NEW)

Lynn Zabota ADC Inc, 80 Exchange St. #101- **Granted**

LIVERY OPERATORS (NEW) FOR ABOVE NEW BUSINESS

Gold, Vassili, 109 Broad St. #506- **Granted**
 Granovsky, Gene, 50 Park St. #21 Brookline, MA- **Granted**
 Granovsky, Greg, 50 Watertown St. #214, Watertown, MA- **Granted**
 Nikitin, Michael E. 108 Nahant St. #2, Lynn- **Granted (w/stipulation that SS be provided)**
 Podlesny, Gino, 266 Ocean St. Lynn – **Applications for Complete**
 Polyau, Alex, 300 Lynn Shore Dr. #202– **Applications for Complete**
 Vinnikav, Vladzimir, 16 Newhall St. #51– **Applications for Complete**
 Zilberg, Naum, 150 Lewis St. #203– **Applications for Complete**

SECOND HAND ARTICLE- NEW

800 Lynnway, Duc Anh (Watch & Clock Radio) - **Granted**

SECOND HAND ARTICLE – RENEWAL

810 Lynnway, Lynn Wireless- **Granted**
 41 State St., Gamestop #6006- **Granted**

OLD GOLD SILVER – NEW

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

71-79 Bennett St. – Saugus Auto Craft Inc. dba Len’s Auto Sales- **Granted**

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

CLASS II AUTO DEALER – AUTO REPAIR-FLAMMABLE - RENEWAL

8 Burrus Sq. – Meadow Park Auto Sales- **Granted**

1071 Western Ave. – Bonia Motors- **Granted**

CANNING:

Lynn Shore Little League (Adults Only) – June 7, 8, 9, 2013- **Granted**

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the January 22, 2013 Committee on Finance 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 THIRTY SEVEN THOUSAND DOLLARS AND ZERO CENTS (\$37,000.00) as allotted to the City of Lynn School Department by the Massachusetts Department of Education. These funds are designated for the Supplemental Support Grant. Grant period 12/21/12 to 8/31/13.

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 Order to Certify as an “Available Fund” the amount of THIRTY SEVEN THOUSAND DOLLARS AND ZERO CENTS (\$37,000.00) as allotted to the City of Lynn School Department by the Massachusetts Department of Education. These funds are designated for the Supplemental Support Grant. Grant period 12/21/12 to 8/31/13.

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

Certify as an “Available Fund” the amount of FIVE HUNDRED TWENTY THOUSAND SEVEN HUNDRED FORTY FIVE DOLLARS AND ZERO CENTS (\$520,745.00) AS ALLOTTED TO THE City of Lynn School Department by the Massachusetts Department of Education. These funds are designated for the LEP Support Grant. Grant Period is 12/20/12 to 8/31/13.

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 Order to Certify as an "Available Fund" the amount of FIVE HUNDRED TWENTY THOUSAND SEVEN HUNDRED FORTY FIVE DOLLARS AND ZERO CENTS (\$520,745.00) AS ALLOTTED TO THE City of Lynn School Department by the Massachusetts Department of Education. These funds are designated for the LEP Support Grant. Grant Period is 12/20/12 to 8/31/13.

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.

NEW BUSINESS:

Phelan/Crighton/Capano / Ordered that the City of Lynn approves the filing of an application with the Interagency Permitting Board for the land at 244 Blossom Street (Assessor's parcel number 067-751-021) pursuant to the provisions of Chapter 43D of the Massachusetts General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006.

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 of Lynn approves the filing of an application with the Interagency Permitting Board for the land at 244 Blossom Street (Assessor's parcel number 067-751-021) pursuant to the provisions of Chapter 43D of the Massachusetts General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006.

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

Motion made by Councillor Colucci and seconded by Councillor Crighton 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