

CITY OF LYNN

**Regular City Council Meeting, March 12, 2013
Council President Timothy Phelan Presiding**

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

Motion made by Councillor Ford and seconded by Councillor Trahant to remember Paul Doyle who recently passed away.

**Motion made by Councillor Colucci and seconded by Councillor Lozzi to accept the Meeting Minutes of February 12, 2013 and February 26, 2013.
Motion carried.**

PUBLIC HEARINGS:

Public Hearing relative to a burnt, dilapidated or dangerous building or other structure located at 13 Lander Avenue 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:

Juan DeJesus, 9 Lander Avenue

Pedro Subervi, 9-16 Lander Avenue

Irelisse Subervi, 9-16 Lander Avenue

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of James Mitchell, Tropic Star Development, LLC, for permission to allow a retail use in a Light Industrial Zone at 47, 55, 65 Boston Street.

The following appeared in Favor:

Attorney Thomas Demakis
Wayne Morril, Project Engineer
Scott and James Mitchell
Thomas Gandolfo, Peabody
Christina Gandolfo, Peabody
Laura Gandolfo, Peabody
Mrs. McSweeney, 47 Boston Street
Ernie's, 65 Boston Street
Twenty Show of Hands

The following appeared in Opposition:

Katrina Koundanis, Lynn Historical Society
Public Hearing Closed.

Motion made by Councillor Crighton and seconded by Councillor Lozzi to grant the prayer of the Petitioner with the following stipulations:

1. That the applicant comply with all comments issued by the Lynn Water and Sewer Commission contained in their letter of October 25, 2012.
2. That on-site and off-site improvements will be made as outlined within the Traffic Impact and Access Study.
3. That any modification to the approved site plan or traffic study be submitted to the ISD Planning Division, for approval through the Site Plan Review process of the ISD determining such change is significant.
4. All enclosed areas of curbing on the proposed plan abutting any street or thoroughfare, as well as all islands in the parking lot, with the exception of mandated sidewalks will be green space.
5. Install a minimum of 25 mature evergreen trees as well as miscellaneous shrubbery throughout on all green space areas to be maintained annually.
6. The majority of lighting on-site to be antique or decorative in nature.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of City Enterprises, Inc., P. Anthony Raccuia, for permission for a Laundromat at 597 Essex Street. Hours of Operation 6 a.m. to 11:59 p.m.

The following appeared in Favor:

Attorney Joe Sano
Anthony Raccuia, Owner

The following appeared in Opposition:

Attorney Richard Cuffe (representing Attorney Carrigan)
Harriet P., Union Street

Public Hearing Closed.

Motion made by Councillor Crighton and seconded by Councillor to DENY

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of 133 Eastern Real Estate, Paul F. Gallo, for permission to allow Apartment House use in Light Industrial Zone at 133 Eastern Avenue.

The following appeared in Favor:

Attorney Richard Cuffe

Paul Gallo

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Lozzi absent at vote).

Petition of El Quetzal, Arthur Garza, for permission for an eat in and take out Restaurant with approximately 24 Seats with hours of operation 7 am to 10 pm 7 days a week at 170 Union Street, Unit B

The following appeared in Favor:

Arthur Garza and Developer

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

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

Public Hearing – Ordinance Amending a Portion of the Zone Map of the City of Lynn and Zone Ordinance of the City of Lynn (Western Avenue, Centre Street, Marion Street, Waterhill Street and Spencer Street).

The following appeared in Favor:

Elizabeth Tower

Attorney James Moore

Tom Dyer, Spencer Street

George Essary, Walden Street

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following ye and nay vote:

11 YES 0 NO

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Chef's House, James P. McElwee, Jr., for permission for an Eat In Restaurant with a Wine and Malt License at 34 Acorn Street, Monday – Saturday 11 a.m. to 10 p.m. (Colucci)

-Petition of Golden Onion Rings, Paula Robles, for permission for preparation, sales and delivery of Onion Rings at 271 Western Avenue, Monday through Saturday 9 a.m. to 12 Midnight. (Lozzi)

-Petition of Comcast, Timothy Broderick, for permission to place (1) 4" pvc underground conduit 50' +/- in a Northwesterly direction to property at 510 Washington Street. (Crighton)

-Petition of Rosetti Restaurant Group, Robert Rosetti for permission for a Food Establishment with All Alcohol Beverage License at 41 Sutton Street with hours of operation as follows: Closed Monday, Tuesday-Thursday, 4 p.m. to 11 p.m., Friday 4 p.m. to 12 a.m., Saturday 2 p.m. to 12 a.m. and Sunday 12 p.m. to 10 p.m., except those days when Veteran's Memorial Auditorium, Lynn City Hall has scheduled events.

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

Motion carried by the following ye and nay vote:

11 YES 0 NO

COMMITTEE REPORTS:

Report of the March 12, 2013 Committee on Public Works recommending the following to be accepted:

1. Discussion with DPW Commissioner re: Update on Status of Equipment.
2. OTHER BUSINESS

REPORT ACCEPTED.

Report of the March 12, 2013 Committee on Ordinance recommending the following to be accepted:

PUBLIC HEARINGS:

1. A Proposed Ordinance Amending the Ordinance Consolidating the Election Department with the City Clerk's Office. – Granted (Lays over to March 26, 2013)
2. A Proposed Ordinance Establishing a Dog Park in the City of Lynn and Regulating the Use of the Dog Park. – Motion to grant with the amendments. (Lays over to March 26, 2013).

DISCUSSION AND/OR TO SET DOWN FOR PUBLIC HEARING:

3. A Proposed Ordinance To Establish A Bill of Rights for Homeowners in the City of Lynn. – Set Down for Public Hearing in full Council as amended.

REPORT ACCEPTED.

Report of the March 12, 2013 Committee on Minor Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW)

Arias, William 22 Bellevue Rd - **Granted**
 Cisneros, Juan 292 Chatham St. - **Granted**
 Dorcely, Guyboyson 37 Kirtland St.- **Granted with 30/60/90 Day Reivew**
 Fonseca, Jaime M. 42 Linden St # 2- **Granted**
 Frias, Felix 28 Brimblecom St #3- **Granted**
 Lewis, Jamie 7 Lyman St # 5 – **Granted with 30/60/90 Day Review**
 Limat, Peter J. 150 Williams Ave- **Granted**
 Joseph, Jean R. 117 Fayette St # 215 Salem, MA- **Granted**
 St. Preux, Jean V. 145 Lewis St #20- **Granted**
 Perez, Marco A. 28 Phillips Av- **Granted**
 Zarba, Philip J. 81 Kirtland St. - **Granted**

TAXI OPERATORS – TABLED

Causey, Ray 16 Glenwood Rd- **Granted with 30/60/90 Day Review**

TAXI OPERATORS- 30 DAY REVIEW.Crawford, David 27 Cook St- **Granted**Ehiabhi, Moises 10 Safford Rd - **Granted****TAXI OPERATORS-60 DAY REVIEW**Doucette, Justin 126 Eastern Ave- **Granted**Severino, Brailin 8 Duke St # 2- **Granted****TRANSFER OF TAXI BUSINESS LOCATION**

Union Taxi, formerly 106R Chestnut St. to 202 Blossom St Ext – **Move Office ONLY; vehicles to remain at same location.**

LIVERY OPERATORS-NEWBrown, Jonathan R. 48 Brimblecom St- **Granted**Sanchez, Yolanda 303 Broadway- **Granted**Ventura, Rosa M. 260 Washington St #28 Salem, MA- **Granted****LIVERY OPERATORS -60 DAY REVIEW**Caisse, Justin 18 Rantoul Ave – **Suspended until he comes in.**Sanon, Samuel 199 Allen Ave - **Granted****CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE – TRANSFER**

Armando's Motor Sales- 860 Western Ave transferring business to EDU Auto Sales

860 Western Ave - **TABLED**

(Attorney Lamanna said he will be at the meeting, there is currently a court case involving this address in the matter of the transfer of Class II Auto Dealer/Auto Repair/Flammable License of Chino's Auto Sales)

CLASS II AUTO DEALER/AUTO REPAIR/FLAMMABLE – RENEWAL106 Chestnut St. – Kevin Auto Sales and Repairs - **Granted**

592-596 Lynnway – Island Auto Sales Corporation (renewing for 2 years, 2012 & 2013) - **Granted**

AUTO REPAIR/FLAMMABLE – NEW

101 Central Ave. – V Tires II – **Granted with stipulations that no tow trucks on street, tires not stored on lot.**

61 Commercial St. – Perez Service & Repair – **Granted with stipulations: cannot work on vehicles outside or on street; 7am to 7pm Monday thru Friday, Saturday 7am until 5pm**

AUTO REPAIR/FLAMMABLE – RENEWAL & CHANGE OF ADDRESS1069A Western Ave. – Mell Tire and Auto Service (transferring from 315 Lynnway) - **Granted****FLAMMABLE – RENEWAL**47 Alley St. – Jim Appleyard Bonded Storage, Inc. - **Granted**37 Bennett St. – Jim Appleyard Bonded Storage, Inc. - **Granted**240 Western Ave. – Gibbs Oil Company Limited Partnership- **Granted****CANNING:**Pine Hill Little League (Adults Only) – May 2,3,4,2013 - **Granted****REPORT ACCEPTED.**

Report of the March 12, 2013 Committee on Public Property recommending the following to be accepted:

1. Request from Lynn Police Department requesting the transfer of three ATV's from the Police Department to the Lynn Fire Department:
 - 2001 Suzuki, Model 747AL – Vin #JSAAM42A012103098 - **Granted**
 - 2001 Suzuki , Model 747AL – Vin #JSAAM42AXY2107525 - **Granted**
 - 2001 Suzuki, Model 747AL – Vin#JSAAM42A6Y2109515 - **Granted**
2. **OTHER BUSINESS:**

Bid Opening: 38 Rockaway Street

Ordered to accept the bid and convey the property at 38 Rockaway Street, Parcel 083-663-086 to Wendy Joseph, 36 Rockaway Street for consideration of \$100.00 with the stipulations listed in the Bid Letter by Michael J. Donovan, ISD Director, dated February 25, 2013.

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 to accept the bid and convey the property at 38 Rockaway Street, Parcel 083-663-086 to Wendy Joseph, 36 Rockaway Street for consideration of \$100.00 with the stipulations listed in the Bid Letter by Michael J. Donovan, ISD Director, dated February 25, 2013.

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 to accept report of the ISD Inspector regarding 29 Parrott Street and request that it be put on the next agenda for discussion and to explore other options for use of the property and that the Lynn Housing Authority be invited to attend.

Motion carried.

REPORT ACCEPTED.

Report of the March 12, 2013 Committee on Finance recommending the following to be accepted:

Ordered that the City Comptroller take the following action:

Transfer the sum of One Hundred Thousand Dollars and Zero Cents (\$100,000.00) from the Insurance Losses Transfer Account to the ISD/Maintenance Contracts Account.

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 the sum of One Hundred Thousand Dollars and Zero Cents (\$100,000.00) from the Insurance Losses Transfer Account to the ISD/Maintenance Contracts Account.

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

Transfer the sum of Eighty Seven Dollars and Fifty Cents (\$87.50) from the DPW/Outside Professional/Technical Expense Account to the Account of Unpaid Bills of Prior Years.

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 the sum of Eighty Seven Dollars and Fifty Cents (\$87.50) from the DPW/Outside Professional/Technical Expense Account to the Account of Unpaid Bills of Prior Years.

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 Four Hundred Seventeen Thousand Three Hundred One Dollars and Zero Cents (\$417,301.00) as allotted to the City of Lynn School

Department by the Massachusetts Department of Education (DOE). These funds are designated for the ESE Title IIA Carryover Grant. Grant Period is 12/14/12 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 an Order certifying as an "Available Fund" the amount of Four Hundred Seventeen Thousand Three Hundred One Dollars and Zero Cents (\$417,301.00) as allotted to the City of Lynn School Department by the Massachusetts Department of Education (DOE). These funds are designated for the ESE Title IIA Carryover Grant. Grant Period is 12/14/12 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

Transfer the sum of Two Hundred Thousand Dollars and Zero Cents (\$200,000.00) from the account of Street Lights/Street Light Expense, \$175,000.00 to ISD/Maintenance Contracts and \$25,000.00 to ISD/School OT.

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 the sum of Two Hundred Thousand Dollars and Zero Cents (\$200,000.00) from the account of Street Lights/Street Light Expense, \$175,000.00 to ISD/Maintenance Contracts and \$25,000.00 to ISD/School OT.

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:

Ordered that the Treasurer with the approval of the Mayor is authorized to file an application with the appropriate officials of the Commonwealth of Massachusetts to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Council as of the date thereof, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith. Councillor Crighton 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 Treasurer with the approval of the Mayor is authorized to file an application with the appropriate officials of the Commonwealth of Massachusetts to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Council as of the date thereof, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

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

Ordered that the Mayor is hereby authorized to execute and enter into a contract with a construction management at risk firm, so as to allow the City of Lynn to perform all its obligations in connection with the Thurgood Marshall Middle School Project.

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 Mayor is hereby authorized to execute and enter into a contract with a construction management at risk firm, so as to allow the City of Lynn to perform all its obligations in connection with the Thurgood Marshall Middle School Project.

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 Lozzi 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