

CITY OF LYNN

**Regular City Council Meeting – April 29, 2014
Council President Daniel F. Cahill, Presiding**

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

COMMUNICATIONS:

Communication from Her Honor the Mayor:

Dear Councilors:

I am hereby appointing Ms. Bernice Brooks, to the Off-Street Parking Commission, to replace expired member Wilfred Simard. Ms. Brooks' term is effective immediately and will expire on August 28, 2018.

Sincerely, Judith Flanagan Kennedy, Mayor

Motion made by Councilor Trahant and seconded by Councilor Chakoutis to suspend the rules and appoint Bernice Brooks to the Off-Street Parking Commission effective immediately and will expire on August 28, 2018.

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 sold and returned to the tax roll: 35 Cedar Street.

Sincerely, Richard J. Fortucci, Treasurer

Motion made by Councilor Colucci and seconded by Councilor Trahant to accept for the files.

Motion carried.

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Fiesta Shows, Eugene J. Dean, for permission for a Carnival Fundraiser for the 4th of July Fireworks at Keaney Park, June 4-8, WTF 6-10:30, Sat 1-11:00 and Sun. 1-10:00. Set up June 2-3.

-Petition of Sabor Marquense, Wilfred Rodriguez, for permission for a restaurant at 875 Western Avenue, Hours Monday through Sunday, 7:00 a.m. – 12:00 p.m.

-Petition of Asadero Richie's, Jose Luis Acosta, for permission for a Restaurant at 680 Western Avenue, a/k/a 195-205 No. Common Street, with hours of operation 7 days, 7:00 a.m. to 2:00 p.m.

-Petition of AutoZone Retail Auto Parts Store, Brian Siddall, for permission for a sign permit at 86 Boston Street.

Motion made by Councilor Colucci and seconded by Councilor Ford to set down for Public Hearings.

Motion carried.

COMMITTEE REPORTS:

Report of the April 29, 2014 Committee on Ways and Means recommending the following to be accepted:

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

Transfer the sum of Eight Thousand Four Hundred Twenty Seven Dollars and Thirty Cents (\$8,427.30)

From the Police Expense Account to the LPD Unpaid Bills of prior year.

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 financial transfer in the amount of Eight Thousand Four Hundred Twenty Seven Dollars and Thirty Cents (\$8,427.30)

From the Police Expense Account to the LPD Unpaid Bills of prior year.

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 One Thousand Five Hundred Fifty Nine Dollars and Forty Eight Cents (\$1,559.48)

From the Reserve Account to the Law Department Payroll Account.

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 financial transfer in the amount of One Thousand Five Hundred Fifty Nine Dollars and Forty Eight Cents (\$1,559.48)

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 Thirty Five Thousand Dollars and Zero Cents (\$35,000.00)
From the Reserve Account to the Law Department Expense Account.

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 financial transfer in the amount Thirty Five Thousand Dollars and Zero Cents (\$35,000.00)

From the Reserve Account to the Law Department Expense 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

Certify as an "Available Fund" the amount of Four Hundred Five Thousand Seven Hundred Thirty Seven Dollars and Seventy Five Cents (\$455,373.75) as allotted to the City of Lynn Inspectional Services Division by Family and Children Services via Executive Office of Health and Human Services.

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 financial order certifying as an "Available Fund" the amount of Four Hundred Five Thousand Seven Hundred Thirty Seven Dollars and Seventy Five Cents (\$455,373.75) as allotted to the City of Lynn Inspectional Services Division by Family and Children Services via Executive Office of Health and Human Services.

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

Establish an Account that is a result of an Incentive Payment from the newly executed Waste Management contract for the City of Lynn (Revolving Fund).

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 financial order establishing an account that is a result of an Incentive Payment from the newly executed Waste Management contract for the City of Lynn (Revolving Fund).

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

Establish an Account that is a result of the newly executed Lease Agreement for the Capital Improvement Study and Lease Payments for the Gannon Golf Course in Fund 028 (Revolving Fund).

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 establishing an Account that is a result of the newly executed Lease Agreement for the Capital Improvement Study and Lease Payments for the Gannon Golf Course in Fund 028 (Revolving Fund).

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

OTHER BUSINESS:

Ordered that the Lynn City Council hereby rescinds its previously issued Subpoena served upon Kenneth Weeks to appear before the Lynn City Council. In the event that the Lynn City Council seeks additional information from Mr. Weeks, the Lynn City Council shall provide Mr. Weeks with questions in advance of said appearance.

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 Lynn City Council hereby rescinds its previously issued Subpoena served upon Kenneth Weeks to appear before the Lynn City Council. In the event that the Lynn City Council seeks additional information from Mr. Weeks, the Lynn City Council shall provide Mr. Weeks with questions in advance of said appearance.

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.

Report of the April 29, 2014 Committee on Public Safety and Public Health recommending the following to be accepted:

1. Discussion re: **ORDER**/That Her Honor the Mayor is hereby authorized to enter into a Mutual Aid Agreement with Surrounding Municipalities for the Purpose of Promoting Public Health. – **Granted (Lays over to May 13, 2014).**

**1. OTHER BUSINESS
REPORT ACCEPTED.**

Report of the April 29, 2014 Committee on Licensing recommending the following to be accepted:

TAXI OPERATORS - (NEW)

Abreu, Francis. 26 Woodman St. - **Granted**

Encarnacion, Daniel Jose. 31 Cottage St. - **Granted**

McKenna, James. 36 Western Ave. – **Granted w/30-60-90 Day Review**

Morin, Chantel R. 78 Central Ave. # 203- **Granted**

Omrey, Hiciano. 29 Fayette St # 1. - **Granted**

Reyes, Frank. 51 Franklin St # 13. - **Granted**

TAXI OPERATORS – TABLED

Murray, Alexander. 39 Congress St # 3 (4/8/2014 No Show) - **DENIED**

Soto, David O. 41 Robinson St # 3 (4/8/2014 No Show) - **DENIED**

TAXI OPERATOR – * RENEWAL*

Bingham, Joseph T. 56 Broad St # 2. **See Court Letters. (Table 4/8/14 No show) – Must come to every meeting (no notice).**

TAXI OPERATORS- 30 DAY REVIEW

Lopez-Silvestre, Jorge. 211 Washington St. # 2A- **Granted**

LIVERY OPERATORS-NEW

Dicampo, Brandon I. 160 Neptune Blvd # 207W. - **Granted**

Lopez, Brunilda. 20 Park St # 27. - **Granted**

Meola, Garry S. 170 Woodland North. - **Granted**

Monteith, Amanda. 24 Rockmere Gardens # 4. - **Granted**

Santana, Gustavo. 14 Essex Cir # 2- **Granted with 30-60-90 Day Review**

LIVERY SERVICE NEW – PENSIVE COWRY TRADING CO. & OPERATOR

Pensive Cowry Trading Co. 208 blossom St. Ext. suite E. Owner: Curtis Brown- **Granted**

Brown, Curtis. 133 Eastern Ave # 4. - **Granted**

LIVERY SERVICE NEW – WEIMANN'S LIMOUSINE & OPERATOR

Weimann's Limousine. 43 Park St. Lynn, MA. Owner: Cleiton Weimann. - **Granted**

Weimann, Cleiton. 21 Shepard St # 2. - **Granted**

DOOR TO DOOR SALES

55 Concord St. North Reading, MA-Comcast- **Granted to 7pm and 5pm on Saturday, No SUNDAY**

JUNK DEALER-RENEWAL

225 Commercial St.-Turner Inc. - **Granted**

SECOND HAND RENEWAL

451 Broad St.-J & D Enterprise- **Granted**

SECOND HAND-NEW10-12 Union St.-USA Furniture- **Granted****SECOND HAND-REVIEW**800 Lynnway, Duc Anh Watch & Clock Repair- **Granted & will check in 6 months.****OLD GOLD & SILVER-REVIEW**800 Lynnway-Duc Anh Watch & Clock Repair- **Granted & will check in 6 months.****SIGN RENEWAL**511 Boston St.-D'La Linea Mini Mart- **Granted****AUTO BODY/AUTO REPAIR/FLAMMABLE LICENSE-RENEWAL**17C Alley St.-Alley Auto Body & Repair- **Granted**178 Alley St.-Collision Auto Craft and Repair- **Granted**100 Buffum St.-U.S. Postal Service- **Granted**154 South St.-Bill & Son Auto Body- **Granted**1117 Western Ave.-Pro-tech Auto Body & Performance- **Granted****AUTO REPAIR/FLAMMABLE LICENSE-RENEWAL**15R Alley St.-K & M Transmission- **Granted**17A Alley St.-ARM Garage- **Granted**15 Avon St.-John's Fuel Service Inc. dba John's Oil Co. - **Granted**47R Bennett St.-B Auto Repair- **Granted**122 Boston St.-S & H Auto Repair- **Granted**411 Broad St.-Meineke Car Care Center (Automotive Exchange) - **Granted**16 Chestnut St.-Ed & Vin's Garage- **Granted**503R Chestnut St.-AJ's Auto Service- **Granted**59 Commercial St.-Rifles Auto Details- **Granted**61 Commercial St.-Perez Service & Repair- **Granted**99R Cottage St.-Mark A. King LLC- **Granted**12 Ellis St.-Enrique Auto- **Granted**12A Ellis St.-Mora Auto Repair- **Granted**287 Essex St.-Essex Auto Repair- **Granted**407 Essex St.-Reynolds Auto Repair- **Granted**148 Fayette St.-Auto Repair of Fayette St. Inc- **Granted**109 Lynnfield St.-R & R American Service Station Inc- **Granted**555 Lynnway-Midas Auto Service Expert- **Granted**811 Lynnway-Lou's Custom Exhaust- **Granted**205 Market St-Goodyear Tire Co. Store #0325- **Granted**76 Oakville St.-Meninno Consttuction Co. - **Granted**125 Pleasant St.-Caruso's Auto Repairs- **Granted**125 Rear Pleasant St.-American Repair & Service- **Granted**35 Suffolk St.-Suffolk St. Auto Repair- **Granted**725 Summer St.-R.D. Auto- **Granted****AUTO REPAIR/FLAMMABLE LICENSE (RENEWAL) CONTINUED**760 Summer St.-J & L Fuel Service Inc- **Granted**860 Western Ave.-Armando's Car Care- **Granted**105 Willow St.-Bill Walsh Auto Repair- **Granted****FLAMMABLE LICENSE-RENEWAL**47 Alley St.-Jim Appleyard Bonded Storage Inc- **Granted**37 Bennett St.-Jim Appleyard bonded Storage Inc- **Granted**86 Bennett St.-Seacrest Foods International Inc- **Granted**20-24 Boston St.-Lynn Ladder & Scaffolding Co. Inc- **Granted**45 Boston St-North Shore Metals, dba Automotive Parts- **Granted**172 Boston St.-Arctic Oil Company- **Granted**

229 Broadway-Richdale Dairy Stores- **Granted**
 668 Chestnut St.-Cumberland Farms- **Granted**
 31 Collins St. Terr-Delulis Brothers Construction Co. Inc- **Granted**
 2235 Commercial St.-Turner Inc- **Granted**
 101 Harbor St.-All Welding Supplies Inc- **Granted**
 500 Lynnfield St.-NSMC Union Hospital- **Granted**
 84-86 Lynnway-Lynn Yacht Club Inc- **Granted**
 154 Lynnway (#604 Marina Office)-City of Lynn Seaport Marina- **Granted**
 617 Lynnway-New Angle Glass Co- **Granted**
 623 Lynnway-Massachusetts Recovery Bureau- **Granted**
 88 Marion St.-Demakes Enterprises Inc- **Granted**
 95 Munroe St.-Beden Hardware- **Granted**
 390 Parkland Ave.-Lynn Water & Sewer Commission- **Granted**
 Lot 22 Raddin St.-Walsh's Oil Company- **Granted**
 56 Sanderson Ave.-Leahy Landscaping Inc- **Granted**
 41 Sutton St.-D'Amici's Bakery- **Granted**
 325 Walnut St.-Lynn Water & sewer Commission- **Granted**
 12 Washington St.-J & S Transport Inc- **Granted**
 510 Washington St.-Michael Russo Jr. Plumbing & Heating Co., Inc- **Granted**
 37 Waterhill St.-Demakes Enterprises Inc- **Granted**
 2 Western Ave.-Dom's Oil Co. - **Granted**
 570 Western Ave.-Chowdhury Inc. dba Convenience Station- **Granted**
 621 Western Ave.-Stop Quick Mart- **Granted**
 1069 Western Ave.-Fisher Auto Parts- **Granted**
 1073R Western Ave.-Albert Kemperle Inc- **Granted**

CANNING

Lynn Classical Baseball Team (Adults Only) – April 28, 29, 2014- **Granted**
 Lynn English Softball Team (Adults Only) – May 2, 3,4, 2014- **Granted**

OTHER BUSINESS:

Eastern Market, Eastern Avenue – **Motion to request owner come to next meeting regarding the sign. Status of Renewal may be revoked if not fixed by next meeting. REPORT ACCEPTED.**

Report of the April 29, 2014 Committee on Public Property and Parks recommending the following to be accepted:

Ordered that the City of Lynn formally request a License from the Lynn Housing Authority for the purpose of expanding and improving the Wyoma Square Municipal Lot. Further ordered that Her Honor the Mayor shall have the authority to execute all documents necessary for the City of Lynn to acquire the License from the Lynn Housing Authority with the approval of the Massachusetts Department of Housing and Community Development.

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 formally request a License from the Lynn Housing Authority for the purpose of expanding and improving the Wyoma Square Municipal Lot. Further ordered that Her Honor

the Mayor shall have the authority to execute all documents necessary for the City of Lynn to acquire the License from the Lynn Housing Authority with the approval of the Massachusetts Department of Housing and Community Development.

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 to have the Law Department, Inspectional Services Department and Chief Financial Officer enter into negotiations with the North Shore Workforce Investment Board, for the lease of 113-119 Broad Street and report back to Public Property & Parks Committee at the next meeting.

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 have the Law Department, Inspectional Services Department and Chief Financial Officer enter into negotiations with the North Shore Workforce Investment Board, for the lease of 113-119 Broad Street and report back to Public Property & Parks Committee at the next meeting.

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 Her Honor the Mayor be authorized to enter into any and all necessary agreements with Mohegan Sun Massachusetts, LLC for the construction and operation of a Casino at the approved Revere location.

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 an Order that Her Honor the Mayor be authorized to enter into any and all necessary agreements with Mohegan Sun Massachusetts, LLC for the construction and operation of a Casino at the approved Revere location.

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:

8 YES 0 NO (Councilors Cyr, Ford, and Lozzi absent at vote).

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

8 YES 0 NO (Councilors Cyr, Ford, and Lozzi absent at vote).

Motion made by Councillor Colucci and seconded by Councillor Capano 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