

**CITY OF LYNN**

**Regular City Council Meeting, December 13, 2011  
Council President Timothy Phelan Presiding**

**Eleven Councillors Present.**

**Moment of Silence.**

**Pledge of Allegiance.**

**Motion made by Councillor Lozzi and seconded by Councillor Trahan to accept the Meeting Minutes of November 15, 2011 and November 22, 2011.**

**Motion carried.**

**Council President Phelan recognized Councilor-Elect Hong Net in the audience.**

**COMMUNICATIONS:**

**Communications from Her Honor the Mayor:**

*Dear Councilors:*

*I am hereby appointing Mr. Charles Mitchell to the Lynn Council on Aging. Mr. Mitchell's term is effective immediately and will expire on August 9, 2012. Sincerely, Judith Flanagan Kennedy, Mayor*

**Motion made by Councillor Crighton and seconded by Councillor Colucci to suspend the rules to appoint Charles Mitchell to the Lynn Council on Aging, effective immediately and will expire on August 9, 2012.**

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

**10 YES 0 NO (Councillor Crowley abstained).**

*Dear Councilors:*

*I am hereby appointing Mr. John W. Baker to the Lynn Council on Aging. Mr. Baker's term is effective immediately and will expire on August 9, 2012.*

*Sincerely, Judith Flanagan Kennedy, Mayor*

**Motion made by Councillor Crighton and seconded by Councillor Colucci to suspend the rules to appoint John W. Baker to the Lynn Council on Aging, effective immediately and will expire on August 9, 2012.**

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

**10 YES 0 NO (Councillor Crowley abstained).**

*Dear Councilors:*

*I am hereby appointing Mr. Carleton E. Brown to the Lynn Council on Aging. Mr. Taggart's term is effective immediately and will expire on August 9, 2013.*

*Sincerely, Judith Flanagan Kennedy, Mayor*

**Motion made by Councillor Crighton and seconded by Councillor Colucci to suspend the rules to appoint Carleton E. Brown to the Lynn Council on Aging, effective immediately and will expire on August 9, 2013.**

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

**10 YES 0 NO (Councillor Crowley abstained).**

*Dear Councilors:*

*I am hereby appointing Mr. Frank LaMacchia to the Lynn Council on Aging. Mr. LaMacchia's term is effective immediately and will expire on August 9, 2014.*

*Sincerely, Judith Flanagan Kennedy, Mayor*

**Motion made by Councillor Crighton and seconded by Councillor Colucci to suspend the rules to appoint Frank LaMacchia to the Lynn Council on Aging, effective immediately and will expire on August 9, 2014.**

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

**10 YES 0 NO (Councillor Crowley abstained).**

*Dear Councilors:*

*I am hereby appointing Mr. Arthur Akers to the Lynn Council on Aging. Mr. Akers' term is effective immediately and will expire on August 9, 2013.*

*Sincerely, Judith Flanagan Kennedy, Mayor*

**Motion made by Councillor Crighton and seconded by Councillor Colucci to suspend the rules to appoint Arthur Akers to the Lynn Council on Aging, effective immediately and will expire on August 9, 2013.**

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

**10 YES 0 NO (Councillor Crowley abstained).**

*Dear Councilors:*

*I am hereby appointing Mr. Daniel P. Hanlon to the Lynn Council on Aging. Mr. Hanlon's term is effective immediately and will expire on August 9, 2014.*

*Sincerely, Judith Flanagan Kennedy, Mayor*

**Motion made by Councillor Crighton and seconded by Councillor Colucci to suspend the rules to appoint Daniel P. Hanlon to the Lynn Council on Aging, effective immediately and will expire on August 9, 2014.**

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

**10 YES 0 NO (Councillor Crowley abstained).**

*Dear Councilors:*

*I am hereby appointing Mr. Albert V. DiVirgilio to replace Victoria M. Serwatka to the Lynn Council on Aging. Mr. DiVirgilio's term is effective immediately and will expire on August 9, 2014. Sincerely, Judith Flanagan Kennedy, Mayor*

**Motion made by Councillor Crighton and seconded by Councillor Colucci to suspend the rules to appoint Albert V. DiVirgilio to replace Victoria M. Serwatka to the Lynn Council on Aging, effective immediately and will expire on August 9, 2014.**

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

**10 YES 0 NO (Councillor Crowley abstained).**

*Dear Councilors:*

*I am hereby appointing Mr. Ernest R. Carpenter to replace Dorothy Davis to the Lynn Council on Aging. Mr. Carpenter's term is effective immediately and will expire on August 9, 2012. Sincerely, Judith Flanagan Kennedy, Mayor*

**Motion made by Councillor Crighton and seconded by Councillor Colucci to suspend the rules to appoint Ernest R. Carpenter to replace Dorothy Davis to the Lynn Council on Aging, effective immediately and will expire on August 9, 2012.**

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

**10 YES 0 NO (Councillor Crowley abstained).**

**Communication from Frederick B. Cronin, Jr., Collector:**

*Dear Ladies and Gentlemen:*

*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 2012. 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.*

**Motion made by Councillor Colucci and seconded by Councillor Crowley to grant.**

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

**11 YES 0 NO**

## **PUBLIC HEARINGS:**

Public Hearing to make a determination on the percentages of the FY'2012 tax levy to be borne by each class of real and personal property.

The following appeared in Favor:

Peter Caron, Assessor

The following appeared in Opposition:

Ron Mendez, 124 Ocean Street, Lynn (On behalf of the Chambers)

Public Hearing Closed.

**Motion made by Councillor Colucci and seconded by Councillor Capano to set the Tax Rate with the lowest residential factor.**

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

**10 YES 1 NO (Councillor Cahill voting NO).**

Petition of National Grid for permission to install approximately 70' of conduit from existing manhole on Market Street to the property line of 195 Market Street.

The following appeared in Favor:

John Jankowski, National Grid

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Crighton and seconded by Councillor Capano to TABLE.**

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

**11 YES 0 NO**

Petition of Verizon, Robert Grassia, for permission to place approximately 356 Feet of underground conduit at the rotary located on the Lynn/Nahant line.

The following appeared in Favor:

Robert Grassia, Verizon

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Crighton and seconded by Councillor Lozzi to grant with the stipulation that work to be performed during the hours of 8:00 p.m. and 5:00 a.m.**

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

**11 YES 0 NO**

Petition of El Pastor, Jose Ortega, for permission for a restaurant/baker at 268-272 Essex Street, with hours from 7 am to 11 pm.

The following appeared in Favor:

Attorney Steven Kiley

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Trahan and seconded by Councillor Duffy to grant with the stipulations that the hours be 7 a.m. to 10 p.m.; all deliveries are made during normal business hours and that there be an enclosed dumpster on premises.**

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

**11 YES 0 NO**

### **PUBLIC HEARINGS TO BE SET DOWN:**

-Petition of Super King Wok, Inc, d/b/a Dragon Inn Chinese Restaurant, Sheng Ping Ou, for permission to add an "All Alcohol License" to existing Restaurant at 144 Market Street.

**Motion made by Councillor Crighton and seconded by Councillor Cahill to set down for a Public Hearing.**

**Motion carried.**

### **COMMITTEE REPORTS:**

#### **Report of the December 13, 2011 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 380 Chatham 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 December 13, 2011 Committee on Minor Licenses recommending the following to be accepted:**

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

Badillo, Wilfredo, 107 Bridge St. Salem- **Granted w/30-60-90 Review**

Drake, Kwame, 534 Essex St. #304-30 Day Review - **Granted**

Jimenez, Paul, 16 Tilton Ter. - **Granted**

Kenney, Lisa M., 3 Gage St. Beverly- **Granted w/30-60-90 Day Review**

Pena, Julio, 185 No. Common St.-30 Day Review- **Granted**

Tyekia Smith, Lynn – 120 Day Review - - **Granted**

**LIVERY OPERATORS (NEW)**

Davis, Tyrone J., 35 Mt. Ida Rd. Dorchester- **Granted**

**DOOR TO DOOR SALES**

4 California Ave., Intrinsic Consulting Inc.

4 California Ave., Sharp Acquisition Inc.

**Both Door-to-Door Licenses granted with stipulations: No soliciting after dark; no entering house; no Sundays; no later 4:00 p.m. on Saturdays; Badges/Identification must be shown at all times, no unrealistic deals to change back.**

**OLD GOLD/SILVER RENEW**

810 Lynnway, Marcelino Jewelry- **Granted**

**PAWN LICENSE - RENEW**

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

**SECOND HAND ARTICLE-NEW**

9a Broad St., Au Bon Prix Shop/Boutique- **Granted with stipulations no electronics, no phones.**

**SECOND HAND ARTICLE –RENEW**

323 Broadway, Broadway Antiques Etc. - **Granted**

366 Broadway, Heart & Soul Boutique & Consignment- **Granted**

249 Maple St., Talula Resale & Consignment- **Granted**

**FLAMMABLE/RENEWAL**

20 Homesite St. – National Grid- **Granted**

**CLASS I AUTO DEALER/AUTO BODY/FLAMMABLE/RENEWAL**

522 & 540 Lynnway – Kelly Automotive Group, Inc. d/b/a Kelly Honda- **Granted**

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

171 Commercial St. – Col-Craft, Inc. - **Granted**

44 Marion St. – Mark A. King d/b/a Marion St. Auto Body - **Granted**

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

100 Central Ave. – Action Auto Sales- **Granted**

113A Fayette St. – A. Starr Blanchard- **Granted**

475 Lynnway – LAS Inc. - **Granted**

613 Lynnway – Lynnway Grand Prix Inc. d/b/a Lynnway Cycles (**owes taxes 1st & 2<sup>nd</sup> Qtr. 2012**) – **Granted- Check in 6 months.**

232-234 Western Ave. – A.J.'s Auto Sales Inc. - **Granted**

860 Western Ave. – Armando's Auto Sales - **Granted**

**CLASS III AUTO DEALER/AUTO BODY/AUTO REPAIR/FLAMMABLE, RENEWAL TO BE SET DOWN FOR PUBLIC HEARING**

480 Lynnway – Harbor Auto Sales Co., Inc. – **Granted to set down.**

**PUBLIC HEARINGS SET DOWN ON NOVEMBER 22, 2011**

119 Essex St. – Jerry's Auto Care- **Motion to suspend license of Jerry's Auto Care, 119 Essex Street, effective immediately and allow Mr. Reyes 60 days to relocate the business.**

1069R Western Ave. – Cap's Auto Wrecking Corp.-**Request at next meeting, have ISD review and to make sure they comply with all environmental, possible encroaching, etc.**

**OTHER BUSINESS:**

**REPORT ACCEPTED.**

**Report of the December 13, 2011 Committee on Public Property recommending the following to be accepted:**

1. Discussion re: Request to hang banners throughout the city during the month of January on behalf of the City Little Leagues announcing their annual "City Wide Registration". - **Granted**

2. Discussion re: 123 Sheila's Way, Block 024, Lot 086 – **Tabled**

**REPORT ACCEPTED.**

**Report of the December 13, 2011 Committee on Finance recommending the following to be accepted:**

Ordered that the City Comptroller be and is hereby authorized to appropriate from the account of Overlay Reserve the sum of One Million One Hundred Fifty Thousand Dollars (\$1,150,000.00) to reduce the Fiscal Year 2012 Tax Levy.

**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 Comptroller be and is hereby authorized to appropriate from the account of Overlay Reserve the sum of One Million One Hundred Fifty Thousand Dollars (\$1,150,000.00) to reduce the Fiscal Year 2012 Tax Levy.**

**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 City Comptroller be and is hereby authorized to make the following Appropriation Transfer:

From the Account of Reserve Fund:

To the account of DPW Equipment: \$150,000.00

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 an Financial Transfer from the Account of the Reserve Fund to the Account of DPW Equipment in the amount of \$150,000.00.**

**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 ISD Expense:

To the Account of ISD Unpaid Bills Prior Years: \$1,031.00

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 ISD Expense to the Account of ISD Unpaid Bills Prior Years in the amount of \$1,031.00.**

**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 ISD Expense:

To the Account of ISD Unpaid Bills Prior Years: \$7,285.00

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 ISD Expense to the Account of ISD Unpaid Bills of Prior Years in the amount of \$7,285.00.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following ye and nay vote:**

**11 YES 0 NO**

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

**11 YES 0 NO**

From the Account of Insurance Losses >\$20,000:

To the Account of ISD Expense: \$77,531.93

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 Insurance Losses >\$20,000 to the Account of ISD Expense in the amount of \$77,531.93**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following ye and nay vote:**

**11 YES 0 NO**

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

**11 YES 0 NO**

Ordered that the Department of Public Works be allowed to make expenditures for snow and ice control in excess of the appropriations for those costs, pursuant to MGL, Chapter 44, Section 31D.

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 Department of Public Works be allowed to make expenditures for snow and ice control in excess of the appropriations for those costs, pursuant to MGL, Chapter 44, Section 31D.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following ye and nay vote:**

**11 YES 0 NO**

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

**11 YES 0 NO**

Ordered that the City of Lynn appropriate the amount of seven hundred and fifty thousand dollars (\$750,000) from the Tax Levy of Fiscal Year 2012, State Aid, and Local Receipts Accounts to the Thurgood Marshall School Construction and Renovation Account for the purpose of paying costs of a feasibility study at the Thurgood Marshall Middle School, located at 19 Porter Street, to explore potential solutions that meet the

requirements of the District's Educational Program and to determine the most cost effective and educationally appropriate solution to recommend to the Massachusetts School Building Authority's ("MSBA") Board of Directors for its consideration and approval to proceed into schematic design, including the payment of all costs incidental or related thereto, and for which the City of Lynn may be eligible for a grant from the MSBA, said amount to be expended under the direction of the School Building Committee. The City of Lynn, MA acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City of Lynn incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Lynn and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City of Lynn, MA and the MSBA.

**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 appropriate the amount of seven hundred and fifty thousand dollars (\$750,000) from the Tax Levy of Fiscal Year 2012, State Aid, and Local Receipts Accounts to the Thurgood Marshall School Construction and Renovation Account for the purpose of paying costs of a feasibility study at the Thurgood Marshall Middle School, located at 19 Porter Street, to explore potential solutions that meet the requirements of the District's Educational Program and to determine the most cost effective and educationally appropriate solution to recommend to the Massachusetts School Building Authority's ("MSBA") Board of Directors for its consideration and approval to proceed into schematic design, including the payment of all costs incidental or related thereto, and for which the City of Lynn may be eligible for a grant from the MSBA, said amount to be expended under the direction of the School Building Committee. The City of Lynn, MA acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City of Lynn incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City of Lynn and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City of Lynn, MA and the MSBA.**

**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.**

**Motion made by Councillor Capano and seconded by Councillor Crowley 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**