

**CITY OF LYNN**

**Regular City Council Meeting, February 14, 2012  
Council President Timothy Phelan Presiding**

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

**Motion made by Councillor Colucci and seconded by Councillor Trahant to accept the Meeting Minutes of January 10, 2012.  
Motion carried.**

**On behalf of the Lynn City Council, Council President Timothy Phelan recognized Seth Albaum for receiving the Chambers “2012 David Solimini Sr. Community Service Award for his outstanding record of community service and volunteerism to the City of Lynn”.**

**COMMUNICATIONS:**

**Communication from Richard Fortucci, Treasurer/CFO:**

**RE: Comptroller Appointment**

**Pursuant to the Acts of 1985, Chapter 8 and pursuant to Attorney Barry’s letter of January 9, 2012, I present to the Lynn City Council Stephen Spencer as my appointee to the position of City Comptroller. Mr. Spencer possesses relevant experience in Accounting, Annual Reporting, Grant Administration and Supervision of Accounting Staff. Also possess relevant of knowledge automated systems and the training of staff for the same. Sincerely, Richard J. Fortucci, Treasurer/CFO**

**Discussion with Chief Financial Officer regarding Comptroller’s position.  
Questions for Proposed Candidate, Stephen T. Spencer.**

**Motion made by Councillor Colucci and seconded by Councillor Capano to appoint Stephen T. Spencer as the Comptroller.**

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

**11 YES 0 NO**

**Motion made by Councillor Barton and seconded by Councillor Trahant to suspend the rules to invite Chief Kevin Coppinger to the podium to update the Council on the re-implementation of the CLT Program in the City of Lynn.**

**Motion made by Councillor Barton and seconded by Councillor Cyr to go on record in support of the CLT Program.**

**Motion carried.**

## **PUBLIC HEARINGS:**

Proposed abandonment of a portion of land known as Essex Street, located at McGloin Square, as shown on a plan entitled "Lynn, Massachusetts, Plan of High Rock Park prepared for the City of Lynn by Reid Land Surveyors, and dated December 15, 2010."

The following appeared in Favor:

Don Walker, OECD

No one appeared in Opposition.

Public Hearing Closed.

Letter from Planning Board read:

Dear Council President Phelan: At a meeting of the Lynn Planning Board held this evening, the following action was taken in regard to the abandonment of a portion of Essex Street: MOTION BY STEPHEN UPTON, SECONDED BY PAUL PRICE, TO RECOMMEND TO THE LYNN CITY COUNCIL THAT THEY ABANDON A PORTION OF ESSEX STREET AS SHOWN ON A PLAN ENTITLED "LYNN, MASSACHUSETTS, PLAN OF HIGH ROCK PARK, PREPARED FOR THE CITY OF LYNN BY REID LAND SURVEYORS, AND DATED DECEMBER 15, 2010". THE MOTION CARRIED. Sincerely, Robert J. Stilian, Chairman

**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**

Public Hearing relative to a burnt, dilapidated or dangerous building or other structure located at 22 High Rock 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.

No one appeared in Favor.

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 Irving Federal Street, LLC, James Irving, for permission to perform automotive repairs of engines and mechanical components with related inside storage of inflammables at 77 Marion Street, 452-454 Boston Street.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Ford and seconded by Councillor Colucci to Table.**

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

**11 YES 0 NO**

Petition of Apsara-Angkor Restaurant, Sokhoeun Chea, for a sign permit at 877 Western Avenue.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

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

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

**11 YES 0 NO**

Petition of All Care VNA and Hospice, James Treacey, for a sign permit at 210 Market Street.

The following appeared in Favor:

Calvin Anderson, Lynn

No one appeared in Opposition.

Public Hearing Closed.

**Motion made by Councillor Crighton 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 Cahill ABSTAINED).**

Petition of Lisa Velando Muscular Therapy, Lisa Velando, for permission for a Muscular Therapy Office – Massage & Physical Therapy in a Light Industrial Zone at 161 Eastern Avenue, Unit #2.

The following appeared in Favor:

Lisa Velando, Owner

No one appeared in Opposition.

Public Hearing Closed.

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

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

**11 YES 0 NO**

**PUBLIC HEARINGS TO BE SET DOWN:**

-Petition of Joseph C. Cormier, American By Products, Inc., for permission for a recycling business with storage of flammables at 77 Alley Street.

-Petition of Verizon, Robert E. Grassia, for permission to remove one pole and place one pole at Hutchinson Court and remove one pole and place one pole at Johns Avenue.

-Petition of Verizon, Robert E. Grassia, for permission to remove one pole and place one pole at River Street.

-Petition of National Grid, Jason Dwyer, for permission to install approximately 10' of PV conduit from P8 to #36 Spencer Street.

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

-Petition of National Grid, Jason Dwyer, for permission to install conduit as follows: Beginning at a point approximately 10' Northeast of the centerline of the intersection of Spring Street and continuing approximately 6400' in a northeasterly direction, to install approximately 6300 feet of 12-5' and approximately 938 feet of 6-5' PVC-EB conduit and miscellaneous underground equipment and the installation of 16 manholes at Broad, Lewis, Ocean, New Ocean, Carroll, Exchange, Silsbee Streets and Eastern Avenue.

-Petition of Nicholas Bakery & Cafeteria, John G. Lambis, for permission for a bakery and cafeteria at 128-148 Central Avenue.

-Petition of Selliah Satchi Anadayan, to install electricity for security camera/lights and continue use of parking lot for parking and storage at 16 South Street Place.

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

**Motion carried.**

**UNFINISHED BUSINESS:**

**Finance Committee of January 24, 2012:**

Ordered that the City Comptroller is hereby authorized to make the following transfers:

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

To the Account of Inspectional Services Expense: \$11,413.80

**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**

From the Account of DPW Expense:

To the Account of DPW Unpaid Bills of Prior Year: \$14,000.00

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

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

**11 YES 0 NO**

## **COMMITTEE REPORTS:**

**Report of the February 14, 2012 Committee on Minor Licenses recommending the following to be accepted:**

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

Badillo, Wilfredo, 107 Bridge St. Salem-60 day review - **Granted**

Bingham, Sr. Joseph T., 58 Broad St. #2- **Granted**

Brady, Christopher, 78 Grant St.-tabled 1/24/12- **Granted**

DeJesus, Juan, 317 Broadway, Chelsea- **Granted**

Devine, John, 177 Lewis St. - **DENIED**

Devine, Patrick, 30 Tucker St. - **Granted**

Drake, Kwame, 534 Essex St.-90 day review- **Granted**

Franco, Rafael, tabled 1/24/12- **Granted**

Kenney, Lisa, 3 Gage St. Beverly-60 day review - **DENIED**

Machado, Carlos, 21 Arlington St. - **Granted**

Mastromarino, Jr. Tom, 36 Stetson Ave. Swampscott- **Granted**

Messina, Mark, 18 Menlo Ave. - **Granted**

Montero Eno, Albert, 28 So. Elm St. - **Granted**

Nieves, Francisco, 51 Hamilton Ave- **Tabled**

Paulino, Leon F.. 11 Howard St. - **Granted**

Pina Lantigua, Willson, 14 Bloomingdale St. Chelsea- **Granted**

Qureshi, Ansar, 14 Bates St. - **Granted**

Sacco, Michael, 39 Cottage St. – **Granted w/30-60-90 Review**

Sanchez, Jose A., 3 Circuit Ave- **Granted**

Smart, James R. 79 Franklin St. - **Granted**

Vargas Jaquez, Alberto, 465 Essex St. - **Granted**

### **LIVERY OPERATORS (NEW)**

Toth, Duane A., 50 Lynnway #608- **Granted - Tabled**

### **SECOND HAND ARTICLE – NEW**

13 Boston Street, Claire's Second Act- **Granted**

### **SECOND HAND ARTICLE - RENEWAL**

204 Essex St., Continental Unicom Communications- **Granted**

### **DOOR TO DOOR SALES**

407R Mystic Ave., Medford, MA, Drasco (Verizon- **Granted w/usual stipulations**

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

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

1147 Western Ave. – Chino Auto Sales (**also adding additional owner**) - **Granted**  
**FLAMMABLE/NEW**

361 Lynnway – Enterprise Rent-A-Car Company of Boston, LLC- **Granted**  
**CLASS II AUTO DEALER/CHANGE OF NAME**

71-79 Bennett St. – Saugus Auto Craft to Saugus Auto Craft, Inc. dba Lens Auto Sales

**PUBLIC HEARING: LICENSE TO AUCTION 2ND-HAND VEHICLES TO DEALERS ONLY (NEW)**

732R Lynnway – Coast Corp. DBA Car Sales, Inc. - **Granted**

**EXTENDED HOURS TO BE SET DOWN FOR MARCH 13, 2012**

A-Plus Pizzeria, 120 Broad Street, 9:00 a.m. to 2:00 a.m. / 7 Days a Week- **Granted**  
**CANNING:**

Wyoma Little League (Adults Only) – April 19, 20, 21, 2102- **Granted**

Lynn Tech Lacrosse Team (Adults Only) – March 22, 23, 24, 2012- **Granted**

**OTHER BUSINESS:**

**REPORT ACCEPTED.**

**MOTION FOR RECONSIDERATION FILED 2/15/12**

**Report of the February 14, 2012 Committee on Public Property recommending the following to be accepted:**

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

2. Discussion re: 516-522 Lynnway/DPW Salt Shed – **Tabled**

3. Ordered that the Mayor is hereby authorized to exercise the City of Lynn's option to renew and to execute all documents related to a ten (10) year Lease Agreement by and between the City of Lynn and the Greater Lynn Senior Services, Inc., for the premises known as #112 Kernwood Drive (Briarcliff Lodge), and be it further ordered that the Law Department draft the new ten (10) year lease.

**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 exercise the City of Lynn's option to renew and to execute all documents related to a ten (10) year Lease Agreement by and between the City of Lynn and the Greater Lynn Senior Services, Inc., for the premises known as #112 Kernwood Drive (Briarcliff Lodge), and be it further ordered that the Law Department draft the new ten (10) year lease.**

**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**

**REPORT ACCEPTED.**

**Report of the February 14, 2012 Committee on Finance recommending the following to be accepted:**

Ordered that the City Comptroller be and is hereby authorized to make the following Appropriation Transfers:

From the Account of the Reserve Fund:

To the Account of Parking Expense: \$38,000.00

**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 a Financial Transfer from the Account of the Reserve Fund to the Account of Parking Expense in the amount of \$38,000.00.**

**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 Parking Meter Receipts:

To the Account of Parking Expense: \$38,500.00

**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 Parking Meter Receipts to the Account of Parking Expense in the amount of \$38,500.00.**

**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**

**NEW BUSINESS:**

*Offered by Councilors Barton, Cahill, Capano, Crighton, and Net:*

**People's Rights Resolution**

WHEREAS, We the people adopted and ratified the United States Constitution to protect the free speech and other rights of people, not corporations;

WHEREAS, Corporations are not people but instead are entities created by the law of states and nations;

WHEREAS, for the past three decades, a divided United States Supreme Court has erroneously transformed the First Amendment into a powerful tool for corporations seeking to evade and invalidate the people's laws;

WHEREAS, this corporate misuse of the First Amendment and Constitution has reached an extreme conclusion in the United States Supreme Court's ruling in Citizens United v. Federal Election Commission;

WHEREAS, Citizens United v. Federal Election Commission overturned longstanding precedent prohibiting corporations from spending corporate general treasury funds in our elections;

WHEREAS, Citizens United v. Federal Election Commission unleashes a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history;

WHEREAS, Citizens United v. Federal Election Commission purports to invalidate state laws and even state Constitutional provisions separating corporate money from elections;

WHEREAS, Citizens United v. Federal Election Commission presents a serious and direct threat to our republican democracy;

WHEREAS, Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican self-government; and

WHEREAS, the people and states of the United States of America have strengthened the nation and preserved liberty and equality for all by using the amendment process

throughout our history, including in seven of the ten decades of the 20th Century, and including to reverse seven erroneous Supreme Court decisions.

NOW THEREFORE BE IT RESOLVED THAT THE LYNN CITY COUNCIL CALL UPON THE UNITED STATES CONGRESS TO PASS AND SEND TO THE STATES FOR RATIFICATION A CONSTITUTIONAL AMENDMENT TO REVERSE CITIZEN UNITED V. FEDERAL ELECTION COMMISSION AND TO RESTORE CONSTITUTIONAL RIGHTS AND FAIR ELECTIONS TO THE PEOPLE.

By the People of the great City of Lynn in the County of Essex, Massachusetts.

**Motion made by Councillor Cahill and seconded by Councillor Capano to go on record in support of the People's Rights Resolution.**

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

**11 YES 0 NO**

**Motion made by Councillor Capano and seconded by Councillor Colucci to forward a letter to the State Delegation requesting a written response to their position regarding the People's Rights Resolution.**

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

**11 YES 0 NO**

**Motion made by Councillor Ford and seconded by Councillor Cyr 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**