

CITY OF LYNN

**Regular City Council Meeting, March 13, 2012
Council President Timothy Phelan Presiding**

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

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

Dear Councilors:

I am hereby reappointing the following individuals to the Lynn Cultural Council. Their term is effective immediately and will expire on December 31, 2012:

Robert Farris, Jr.

Susan McCarthy

David Parsons

Tyrone Hawkins

Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Communications from Her Honor the Mayor:

Dear Councillors:

I am hereby appointing the following individuals to the Lynn Cultural Council. Their term is effective immediately and will expire on December 31, 2013:

Dena Capano

Dale Lewis

Jocelyn Almy Testa

Seth Albaum

Elizabeth McKimm

Alicia Churchill

Amy Musinsky.

Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn.

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

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Capano voting PRESENT).

Communication from Her Honor the Mayor:

Dear Councillors:

I am hereby appointing Mr. Jimmy Gonzalez to the Parks Commission to replace expired member Dennis Thompson. Mr. Gonzalez's term is effective immediately and will expire on May 2, 2016. Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Communication from Her Honor the Mayor:

Dear Councillors:

I am hereby appointing Ms. Roxanna Rumardo to the Office of Economic and Community Development Citizens' Advisory Board to replace Eugene Schneeberg. Ms. Rumardo's term is effective immediately. Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Communication from Her Honor the Mayor:

Dear Councillors:

I am hereby appointing Mr. Joseph Smart to the Lynn Library Board of Trustees. He will be replacing the seat held by Father Charles Mihos. Mr. Smart's term is effective immediately and will expire on April 1, 2014. Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Communication from Her Honor the Mayor:

Dear Councillors:

I am hereby reappointing Mr. James McLaughlin for a three year term as Assistant Harbormaster. Mr. McLaughlin's appointment is effective April 1, 2012 and will expire on April 2, 2015. Sincerely, Judith Flanagan Kennedy, Mayor, City of Lynn

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Appointment to the Pine Grove Cemetery Commission:

Motion made by Councillor Barton and seconded by Councillor Trahan to appoint Mr. Ralph Tyler, 214 Chatham Street, Lynn, MA to the Pine Grove Cemetery Commission.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS:

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

The following appeared in Favor:

Attorney Sam Vitali

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Capano and seconded by Councillor Colucci to grant the prayer of the Petitioner with the following stipulations: The tankers can only use Blossom Street, no washing of containers and/or barrels outside the building and the property be landscaped.

Motion carried by the following yea and nay vote:

11 YES 0 NO

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.

The following appeared in Favor:

Joseph Gleason, Verizon

Michael Murray, OECD

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

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

The following appeared in Favor:

Joseph Gleason, Verizon

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

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

The following appeared in Favor:

John Jackowicz, National Grid

No one appeared in Opposition.

Public Hearing Closed.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

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.

The following appeared in Favor:

John Jackowicz, National Grid

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:

11 YES 0 NO

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.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Cyr and seconded by Councillor Barton to TABLE.

Motion carried by the following yea and nay vote:

11 YES 0 NO

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

The following appeared in Favor:

John Lambis, owner

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Crighton and seconded by Councillor Net to grant the prayer of the Petitioner.

Motion carried by the following yea and nay vote:

11 YES 0 NO

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.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Capano and seconded by Councillor Lozzi to DENY.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of Office of Economic & Community Development, James Marsh, for permission to place banners on decorative light poles in three locations of the City.

-Petition of D'Amici Bakery, Joseph Toretta, for permission for a Food Establishment with Retail Store 7-5 M-F, Production 7 days at 41 Sutton Street.

-Petition of Sara's, Sara E. Ago, for permission to sell food from a canteen style vehicle on Magnolia Avenue Sunday through Friday, from 9:00 a.m. – 5:00 p.m.

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Unfinished Business: From the February 28, 2012 Meeting:

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

From the Account of Fire Department Expense:

To the Account of Unpaid Bills of Prior Years: \$104.58

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

Motion made by Councillor Cyr and seconded by Councillor Trahan to remove from the table the "Public Hearing relative to a burnt, dilapidated or dangerous building or other structure located at 380 Chatham Street, all as authorized by Massachusetts General Laws, Chapter 139, Section 1" and to DENY.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councillor Capano and seconded by Councillor Colucci to rescind the Demolition Order relative to 102-104 Alley Street.

Councillor Capano 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 requesting to rescinding the Demolition Order relative to 102-104 Alley Street.

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

COMMITTEE MEETINGS:

Report of the March 13, 2012 Committee on Ordinance recommending the following to be accepted:

DISCUSSION AND/OR TO SET DOWN PUBLIC HEARING:

1. A Proposed Ordinance Amending the Ordinance Relative to Licensing and Regulations of Taxicabs in the City of Lynn. **(Tabled)**

2. A Proposed Ordinance Creating a Human Rights Commission in the City of Lynn. **(Tabled)**

3. Proposed Ordinance Recodifying the City of Lynn's Zone Ordinance. **(Set Down for Public Hearing).**

REPORT ACCEPTED.

Report of the March 13, 2012 Committee on Public Safety recommending the following to be accepted:

1. Discussion with Fire Chief and Fire Department Union President regarding staffing levels at the Lynn Fire Department. **(No Action Taken).**

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the March 13, 2012 Committee on Minor Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW)

Badillo, Wilfredo, 107 Bridge St. Salem-90 Day Review - **Granted**

Barrett, James, 52 Broad St. - **Granted**

Cruz, Pedro, 330 Essex St. #2 - **Tabled**

Cuevas, Daniel, 113 Franklin St. - **Granted**

De La Cruz, Wilfredo, 99 Loughton St. - **Tabled**

DeLos Santos, Ysidro, 22 Coburn St. - **Granted**

Escarraman, Jesus, 8 Norcross Terr. #3- **Granted**

Kotee, Josephine, 484 Western Ave. #C4 - **Tabled**

Lizardo, Alejandro, 6 Hart St. #3- **Granted**

Longo, Edward J., 113 Ashland St. - **Granted**

Rodriguez, Fernando, 8 Norcross Terr. - **Granted**

Rodriguez, Jose J. 102 Walnut Ave. Revere - **Tabled**

Rosario Arias, Steve, 128 Walnut St. #2- **Granted**

Sanchez, Manuel A, 2 French St. #2- **Granted**

Souissa, Abdelhak, 20 Huss Ct. - **Granted**

Stevenson, Anthony, 2 Hancock St. - **Tabled**

Zucchari, 48 Catalina Rd.-tabled 2/28/12 - **Tabled**

Michael Sacco – 30 Day Review - **Granted**

LIVERY OPERATORS (NEW)

Mitchell, Shana, 95Ashland St. - **Tabled**

Panopoulos, Peter, 24 Estes St. - **Granted**

LIVERY SERVICE BUSINESS & LIVERY VEHICLE (NEW)

Pan's Transportation Services, Panopoulos, Peter, 24 Estes St. - **Granted**

AUTO BODY/AUTO REPAIR /FLAMMABLE – NEW

47 Bennett St. – VEO Auto Body Solutions & Repairs- **Granted**

AUTO BODY/AUTO REPAIR/FLAMMABLE – RENEWAL AND CHANGE OF ADDRESS

26 Bennett St. – REM Auto Body- **Granted**

AUTO REPAIR/FLAMMABLE – RENEWAL

35 Suffolk St. – City Transportation - **Granted**

FLAMMABLE – RENEWAL

47 Alley St. – Jim Appleyard Bonded Storage, Inc. - **Granted**

37 Bennett St. – Jim Granitsas Moving & Storage - **Granted**

CANNING:

Lynn High School Band Boosters (Adults Only) – April 13, 14, 14, 2012- **Granted**

Greater Lynn Babe Ruth (Adults Only) – April 26, 27, 28, 2012- **Granted**

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the March 13, 2012 Committee on Public Property recommending the following to be accepted:

Ordered that the City owned property Parcel 071-256-095 Granite Street be granted to Zachary Andrews, Trustee, ZEA III Realty Trust, 26 Elwin Street, Swampscott, MA 01907 in consideration of \$1,800.00 with the stipulation that the property be used for parking and/or landscape only. **(Lays over to March 27, 2012).**

Liberty Street, Parcel #069-621-001 **(No Bids received – place back out to bid. Councillor Cahill asked if he could put it on “municibid”. Committee agreed).**

Request from North Shore Christian School to hang banners throughout the city for the remainder of current school year as well as the upcoming school year (12-13). **(Granted).**

Update from Solicitor's Office re: 38 Rockaway Street.

REPORT ACCEPTED.

Report of the March 13, 2012 Committee on Finance recommending the following be accepted:

Ordered that the City Comptroller be authorized to make the following appropriation transfers:

From an account to be determined by the Comptroller:
To the Account of Park Improvements: \$14,000.00

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 to be Determined by the Comptroller to the Account of Park Improvements (DPW) in the amount of \$14,000.00.

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

Ordered that the City Comptroller be authorized to make the following appropriation transfers:

From the ISD Special Account:
To Account 9J120-7800: \$750,000.00

(Lays over to March 27, 2012).

REPORT ACCEPTED.

Motion made by Councillor Cyr and seconded by Councillor Trahan 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