

CITY OF LYNN

**Regular City Council Meeting, June 5, 2012
Council President Timothy Phelan Presiding**

Ten Councillors Present (Councillor Cahill absent)

Moment of Silence.

Pledge of Allegiance was led by Junior Mejia of the Connery Elementary School. Genesis Beato also from the Connery Elementary School played the violin to the Star Spangled Banner.

Motion made by Councillor Colucci and seconded by Councillor Trahan to accept the Meeting Minutes of April 24, 2012, May 8, 2012 and May 22, 2012. Motion carried.

Motion made by Councillor Barton and seconded by Councillor Capano to suspend the rules for the “Connery School Second Annual Awards Night”. Motion carried.

PUBLIC HEARINGS TO BE SET DOWN:

Petition of Lynn Donut’s Inc., (Dunkin’ Donuts), John Mello, for permission for a sign permit at 333 Lynnway.

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

**Motion carried by the following yea and nay vote:
10 YES 0 NO (Councillor Cahill absent).**

Petition of Lynn Cricket Realty Holdings, LLC, Victor Grillo, for permission to allow apartment house use of both Parcels at 74-118 Brookline Street, Parcel 094-535-87 and 095-535-011 in a Light Industrial Zoned District.

Motion made by Councillor Colucci and seconded by Councillor Ford to set down for a Public Hearing.

**Motion carried by the following yea and nay vote:
8 YES 2 NO (Councillor Cahill absent; Councillor Cyr and Councillor Trahan voting NO).**

UNFINISHED BUSINESS

To Be Adopted Permanently:

A Proposed Ordinance Recodifying the Zone Ordinance of the City of Lynn.

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

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councillor Cahill absent).

Laid Over from the Public Property Committee Meeting of May 22, 2012:

Ordered that the Mayor is hereby authorized to execute a quitclaim deed for the premises known as 123 Sheila's Way, Lynn, Block 024, Lot 086 to Francis D. Riley and Diane Riley, for consideration paid in the amount of \$3,600.00 with the stipulation that land be used for landscaping only and no building be erected on said land.

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

Motion carried by the following ye and nay vote:

10 YES 0 NO (Councillor Cahill absent).

COMMITTEE REPORTS:

Report of the June 5, 2012 Committee on Minor Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW)

Acholoma, Canicius, 25 Stanford St. Boston - **DENIED**

Bingham, Joseph T. Sr., 58 Broad St. #2-30 day review – **Granted to 60 Day Review**

Erikson, John, 7 Central St. Nahant- **Granted with 30-60-90 Day Review**

Jimenez, Julio, 16-c Eastman Park, Peabody- **Granted**

Lopez, Jorge, 211 Washington St. - **Granted**

Matias, Yanko J. 15 Mt. Pleasant Pl- **Granted**

Potter, III, Benjamin C. 19 W. Baltimore St. - **Granted**

Rosario, Francisco, 829 Revere Beach Pkwy, Revere- **Granted**

Santos, Carlos, 5 Hamilton Ave. #3, Lynn tabled 5/22/12 - **DENIED**

Severino, Karel, 40 Cottage St.- **Tabled**

Vidinha, Christopher, 19 High St. - **Granted**

LIVERY OPERATORS (NEW)

Fowler, Thomas, 41 Warren St. Peabody- **Granted with 30-60-90 Day Review**

Koch, Jerry, 208 Washington St. #304 tabled 5/22/12 - **DENIED**

EXTENDED HOURS-P.H. TO BE SET DOWN FOR JULY 10,2012

La Casa Del Chimi, 317 Chestnut St.-Mon-Thurs 11 AM-11 PM Fri-Sun-11 AM-2 AM- **Granted**

7-11, 264 Essex St.-24 hours renewal- **Granted**

7-11, 50 Western Ave.-24 hours renewal- **Granted**

7-11 3 Lynnfield St.-24hours renewal- **Granted**

PUBLIC HEARING EXTENDED HOURS

Wendy's Lynnway, 377 Lynnway-24 hours- **Granted**

DOOR TO DOOR SALES

4 Little Brook Ct., Burlington, MA, Arm Security (tabled 5/22/2012)- **DENIED**

1253 New Market Ave., Suite F., South Plainfield, NJ 1st Light Energy (tabled 5/22/2012) - **TABLED**

RENEWAL SIGN LICENSE

63 Franklin St., Santiago Market- **Granted**

3-5 Market Square, Market Square Beverage, Co. Inc. - **Granted**

COIN OPERATED DEVICES VENDOR/RENEWAL

P.O. Box 1210, Middleton, MA – Four Star Vending- **Granted**

CLASS II AUTO AUCTION/AUTO REPAIR/FLAMMABLE ADDIING ADDITIONAL OWNER AND CHANGE OF BUSINESS NAME

732R Lynnway – Coast Corp. d/b/a Car Sales Inc. (changing to Coast Corp. d/b/a Car Sales, Inc. & Paine Auto Auction) - **Granted**

AUTO REPAIR /FLAMMABLE – NEW

37 Bennett St. – PJ's Auto Repair (tabled from 5/22/12) - **Granted**

315 Lynnway – Mell Tire and Auto Repair- **Granted with the stipulations that no vehicles parked on street and no old tire outside of building.**

AUTO BODY/AUTO REPAIR/FLAMMABLE – RENEWAL

892 Washington St. – Giovanni's Auto Body- **Granted**

1117 Western Ave. – Pro-Tech Auto Body & Performance - **Granted**

AUTO REPAIR/FLAMMABLE – RENEWAL

106 Chestnut St. – Duran Auto Repair- **Granted**

148 Fayette St. – Auto Repair of Fayette, Inc. - **Granted**

100 Ford St. – San Marcos Auto Repair- **Granted**

FLAMMABLE/RENEWAL

300 Broad St. – North Shore Community College- **Granted**

CANNING:

AAU Basketball – June 5,6,7, 2012 - **Granted**

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the June 5, 2012 Committee on Public Property recommending the following to be accepted:

Ordered that the City owned property, Lot 039-238-045 Wishart Terrace be conveyed to Anthony Reynolds-DiMicco, 79 Perkins Street, for consideration of \$4,500.00, with

the stipulation that land be used for parking or landscaping only, that no building be erected on said property, that lot not be combined with any other lot and that consideration be paid within 60 days. **(Lays over to June 19, 2012).**

REPORT ACCEPTED.

Report of the June 5, 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 Police Department Payroll:
 To the Account of Police Department Expense: \$30,000.00

**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 Police Department Payroll to the Account of Police Department Expense in the amount of \$30,000.00.

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:

10 YES 0 NO (Councillor Cahill absent).

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

10 YES 0 NO (Councillor Cahill absent).

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

From the Account of City Clerk Expense:
 To the Account of Unpaid Bills Prior Year: \$1,452.20

(Lays over to June 19, 2012).

From the Account of GAR Expense:
 To the Account of GAR Payroll: \$900.00

(Lays over to June 19, 2012).

From the Account of Parking Meter Receipts:
 To the Account of Parking Expense: \$7,000.00

(Lays over to June 19, 2012).

REPORT ACCEPTED.

NEW BUSINESS:

Motion made by Councillor Lozzi and seconded by Councillor Colucci ordering the Developer comply with Condition #2 of a Vote to Approve dated October 24, 1995 requiring approval of the Lynn Planning Board prior to any extension of Sunset Road and confirmed by representations by Counsel for the Developer at a Public Hearing dated March 13, 2001. Should the Developer not comply with the request for Public Hearing or should the Developer take any action to extend Sunset Road in direct violation of Condition #2 of a Vote to Approve dated October 24, 1995, the City of Lynn Law Department is hereby authorized to seek a Preliminary Injunction and a lawsuit to ensure compliance with the valid, prior vote of the City of Lynn Planning Board requiring the Developer to address all health and safety concerns of the Lynn Planning Board prior to extending Sunset Road.

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 Developer comply with Condition #2 of a Vote to Approve dated October 24, 1995 requiring approval of the Lynn Planning Board prior to any extension of Sunset Road and confirmed by representations by Counsel for the Developer at a Public Hearing dated March 13, 2001. Should the Developer not comply with the request for Public Hearing or should the Developer take any action to extend Sunset Road in direct violation of Condition #2 of a Vote to Approve dated October 24, 1995, the City of Lynn Law Department is hereby authorized to seek a Preliminary Injunction and a lawsuit to ensure compliance with the valid, prior vote of the City of Lynn Planning Board requiring the Developer to address all health and safety concerns of the Lynn Planning Board prior to extending Sunset Road.

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:

10 YES 0 NO (Councillor Cahill absent).

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

10 YES 0 NO (Councillor Cahill absent).

Motion made by Councillor Colucci and seconded by Councillor Crighton 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