

CITY OF LYNN

**Regular City Council Meeting, June 26, 2012
Council President Timothy Phelan Presiding**

Ten Councillors Present (Councillor Ford absent)

Moment of Silence.

Pledge of Allegiance.

Council President Phelan stated that Councillor Ford called to say he had an unexpected family matter and could not attend the meeting.

Re-Appointment of Lynn Water & Sewer Commission Member:

Motion made by Councillor Colucci and seconded by Councillor Barton to reappoint William R. Trahant, Sr. to the Lynn Water and Sewer Commission.

BARTON	William R. Trahant, Sr.	FORD	ABSENT
CAHILL	William R. Trahant, Sr.	LOZZI	William R. Trahant, Sr.
CAPANO	William R. Trahant, Sr.	NET	William R. Trahant, Sr.
COLUCCI	William R. Trahant, Sr.	PHELAN	William R. Trahant, Sr.
CRIGHTON	William R. Trahant, Sr.	TRAHANT	PRESENT
CYR	William R. Trahant, Sr.		

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councillor Ford absent; Councillor Trahant voting PRESENT).

COMMUNICATIONS:

Richard J. Fortucci, City Treasurer

Dear Councilors:

The following property has been sold and will be placed on the city's tax roll. Please adjust your records accordingly: Lot 95 Granite Street. Sincerely, Richard J. Fortucci

Motion made by Councillor Colucci and seconded by Councillor Barton to accept for the files.

Motion carried.

PUBLIC HEARINGS:

FY13 Budget Hearing.

The following appeared in Favor:

Mayor Judith Flanagan Kennedy

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councillor Cahill and seconded by Councillor Crighton to request the Mayor to appropriate an additional 1% to the Council on Aging FY'13 Budget.

Motion carried.

Motion made by Councillor Crighton and seconded by Councillor Cahill to request the Off-Street Parking Commission appeared at the next scheduled City Council Meeting.

Motion carried.

Motion made by Councillor Colucci and seconded by Councillor Trahan to request an opinion from the Solicitor's Office as to whether or not the City can place the Off-Street parking lots out to bid.

Motion carried.

Motion made by Councillor Cahill and seconded by Councillor Crighton to eliminate all \$1.00 salary line items in the budget.

Discussion: Councillor Cyr had concerns. Councillor Capano stated he was not comfortable as these positions could be open jobs and/or jobs that could be filled if needed in a timely manner.

Motion made by Councillor Cahill to rescind his motion.

Motion carried.

Motion made by Councillor Colucci and seconded by Councillor Cyr to approve the FY'13 Budget as presented with an additional \$3,000,000. totaling \$ 261,464,797.00.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Ford absent).

Public Hearing relative to a burnt, dilapidated or dangerous building or other structure located at 248 Boston Street.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed

Motion made by Councillor Crighton and seconded by Councillor Barton to grant.

Motion carried by the following yea and nay vote:

7 YES 0 NO (Councillor Ford absent; Councillors Capano, Colucci and Trahan absent at vote).

Public Hearing Relative to an Ordinance to Include Floodplain Districts in the City of Lynn.

Councillor Hong Net spoke in Favor.

No one spoke in Opposition.

Public Hearing Closed.

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 an Ordinance to Include FloodPlain Districts

WHEREAS, the City of Lynn seeks to ensure public safety through reducing the threats to life and personal injury;

WHEREAS, the City of Lynn seeks to eliminate new hazards to emergency response officials;

WHEREAS, the City of Lynn seeks to prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;

WHEREAS, the City of Lynn seeks to avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;

WHEREAS, the City of Lynn seeks to eliminate costs associated with the response and cleanup of flooding conditions;

WHEREAS, the City of Lynn seeks to reduce damage to public and private property resulting from flooding waters.

SECTION 1:00 -- Purpose.

The purposes of this district are:

A. To provide that the lands in the city subject to seasonal or periodic flooding shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof;

B. To assure the continuation of the natural flow pattern of the watercourses within the city in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

SECTION 2:00 -- District delineation.

A. The Flood Plain District includes all special flood hazard areas designated as Zones A, AI — A30, VE — V30 on the most current City of Lynn Flood Insurance Rate Map (FIRM), on file with the Department of Inspectional Services.

SECTION 3:00 -- Permitted uses—Restrictions.

A. The Flood Plain District shall be considered as overlying other districts. Any uses permitted in the portions of the districts so overlaid shall be permitted subject to all the provisions of this Ordinance.

B. In the Flood Plain District, no new building or structure shall be erected, constructed, altered, enlarged or moved; no dumping, filling or earth transfer or relocation shall be permitted, nor shall be used for any purposes except:

1. Conservation of soil, water, plants and wildlife;
2. Recreation, including play and sporting areas, education and nature study, golf, skating, boating, swimming and fishing where otherwise legally permitted;
3. Forestry, including tree nurseries;
4. Storage of materials and/or equipment for cemetery, parks or playground purposes;
5. Dwellings lawfully existing prior to the adoption of these provisions (including enlargement in area up to twenty-five percent of ground coverage).

SECTION 4:00 -- Coastal high hazard areas—New construction.

In the Flood Plain District are areas designated as coastal high hazard areas (Zone V). Since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wash, all new construction shall be located landward of the reach of the mean high tide.

SECTION 5:00 -- Floodway—Construction permitted when.

In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:

A. All encroachments, including fill, new construction, substantial improvements to existing structures and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood, in a floodway.

B. Any encroachment meeting the above standard shall comply with the flood plain requirements of the State Building Code.

SECTION 6:00 -- Special permit—Issuance conditions—Board of appeals.

In the Flood Plain District, the board of appeals may grant a special permit for any use or structure, subject to the following:

A. The request has been referred to the Planning Board, the Health Commissioner, the City Engineer and the Conservation Commission and reported upon by all, or thirty-five days shall have elapsed following such referral without receipt of such reports.

B. The land is shown to be neither subject to flooding nor unsuitable for the proposed use because of hydrological and/or topographic conditions.

C. The proposed use will not be detrimental to the public health, safety and welfare.

D. The proposed use and/or structure will be built in accordance with the one-hundred-year-flood elevation as defined by the Department of Housing and Urban Development, Federal Insurance Map for the City of Lynn.

E. The proposed use will comply in all respects to the provisions of the underlying district or districts within which the land is located.

F. All new construction and substantial improvements (the cost of which equals or exceeds fifty percent of the market value of the structure) of residential and nonresidential structures shall have the lowest floor, including the basement or cellar, elevated to or above the one-hundred-year-flood elevation, or in the case of nonresidential structures be floodproofed, watertight to the one-hundred-year-flood elevation.

G. No new construction, substantial improvements or other land development shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one inch at any point within the city.

SECTION 7:00 -- Variances—Issuance conditions—Board of appeals.

Should the board of appeals consider granting a variance to the regulations set forth in the Flood Plain District, the following procedures will be adhered to:

A. The Board of Appeals shall only issue a variance upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant said variance would result in exceptional hardship to the applicant;
3. A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances or conflict with existing local law;
4. A determination that the issuance of the variance is the minimum necessary considering the flood hazard to afford relief.

B. Variances may be issued for structures to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level. Variances may also be issued for a structure listed on a National Register of Historic Places or a State Inventory of Historic Places that is to be restored or reconstructed.

C. If a variance is granted, the Board of Appeals shall notify the applicant in writing over their signature that:

1. The issuance of such variance to construct below the one-hundred-year base flood elevation will result in increased premium rates for:
 - a. Flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and
 - b. Such construction below the one-hundred-year base flood elevation increases risks to life and property.

SECTION 8:00 -- Variances—Board of appeals—Recordkeeping—Reports.

The Board of Appeals shall maintain a record of all variance actions, including justifications for issuance and report such variances in the annual report submitted to the Federal Insurance Administration.

THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUES AND EMERGENCY.

Emergency Preamble was adopted by the following yea and nay vote:

8 YES 0 NO (Councillor Ford absent; Councillors Crighton and Phelan absent at vote).

9 YES 0 NO (Councillor Ford absent; Councillor Crighton absent at vote).

UNFINISHED BUSINESS:

PUBLIC PROPERTY COMMITTEE MEETING OF JUNE 5, 2012:

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.

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

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

FINANCE COMMITTEE MEETING OF JUNE 5, 2012:

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

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

**Motion carried by the following ye and nay vote:
10 YES 0 NO (Councillor Ford Absent).**

From the Account of GAR Expense:

To the Account of GAR Payroll: \$ 900.00

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

**Motion carried by the following ye and nay vote:
10 YES 0 NO (Councillor Ford Absent).**

From the Account of Parking Meter Receipts:

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

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

**Motion carried by the following ye and nay vote:
10 YES 0 NO (Councillor Ford Absent).**

FINANCE COMMITTEE MEETING OF JUNE 19, 2012:

Ordered that the City Council order dated May 8, 2012, authorizing the City Comptroller to make a transfer from the Reserve Fund, Fifty Two Thousand Dollars and Zero Cents to the Account of Breed Middle School Window Replacement be hereby rescinded.

Motion made by Councillor Colucci and seconded by Councillor Cyr to rescind.

**Motion carried by the following ye and nay vote:
10 YES 0 NO (Councillor Ford Absent).**

Ordered that the City Council order dated May 8, 2012, authorizing the City Comptroller to make a transfer from the Account of the Reserve Fund, Fifty Nine Thousand Dollars and Zero Cents to the Account of LVTI School Repairs be hereby rescinded.

**Motion made by Councillor Colucci and seconded by Councillor Cyr to rescind.
Motion carried by the following ye and nay vote:
10 YES 0 NO (Councillor Ford Absent).**

Ordered that the City Comptroller be and is hereby authorized to appropriate the sum of One Hundred Thirty Thousand Dollars from Free Cash to the various accounts as follows:

\$52,000	ISD Breed Window Replacement (Feasibility Study)
\$59,000	ISD LVTI Roof Replacement (Feasibility Study)
\$10,000	Additional 10K for DPW for Prof. Serv. For Local 193 case
\$ 9,000	Legal Settlement on behalf of the Law Department

**Motion made by Councillor Colucci and seconded by Councillor Cyr to grant.
Motion carried by the following ye and nay vote:
10 YES 0 NO (Councillor Ford Absent).**

COMMITTEE REPORTS:

Report of the June 26, 2012 Committee on Ordinance recommending the following to be accepted:

Public Hearing on An Ordinance Amending the Ordinance Relative to Drug Paraphernalia
**IN THE YEAR TWO THOUSAND AND TWELVE AN ORDINANCE AMENDING THE
ORDINANCE PROHIBITING THE SALE OF DRUG PARAPHERNALIA IN THE CITY
OF LYNN**

SECTION 1:00

No person, firm, store or corporation shall sell or offer for sale or distribution drug paraphernalia within the City of Lynn. For purposes of enforcement of this section drug paraphernalia shall be defined pursuant to M.G.L.A c. 94C sec. 1. Drug paraphernalia shall, in addition to the definition under M.G.L.A. c. 94C, sec. 1, also including blunt wrappers and rosebud glass tubes or other non-traditional tobacco smoking apparatus. No person, firm, store or corporation shall sell or offer for sale or distribution any Synthetic Cannabinoids, including but not limited to products commercially known as "fake pot" and/or "smokable insense" and all synthetic stimulants in the class of drug known as Synthetic Cathinones, products commercially known as "Bath Salts." This includes all products containing but not limited to any/all

of the following synthetic stimulants; 3,4-Methylenedioxypropylamphetamine, MDPV, Mephedrone and Methylone.

SECTION 2:00

Any loose products, including but not limited to steel wool pads and plastic bags, displayed in a business establishment for sale or distribution, individually, out of the manufacturer's customary packaging, will be considered drug paraphernalia for purposes of Section 1:00. In determining whether an object is being sold or offered for sale as drug paraphernalia, the enforcing officer, court and/or reviewing authority should consider all other logically relevant factors.

SECTION 3:00

Any person, firm, store or corporation found in violation of this Ordinance shall receive one (1) written warning prior to the institution of fines. Any person, firm, store or corporation found to be in violation of any provision of this ordinance on a second occasion and all subsequent offenses shall be penalized pursuant to the City's Non-Criminal Disposition for Violations of Ordinances, By-Laws, Rules and Regulations as provided in General Laws, Chapter 40, Section 21 D and subject to a \$300 fine or by filing a criminal complaint at the appropriate venue. A violation shall occur for each day that the prohibited items are found to be sold or offered for sale or distribution. All violations shall also be reported to the Committee on Minor Licenses of the City Council.

SECTION 4:00

The Police Department and Department of Inspectional Services shall be the enforcing authority for this ordinance.

SECTION 5:00

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6:00

This ordinance shall take effect thirty-one (31) days after its final adoption as advertised.

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 an Ordinance Amending the Ordinance Relative to Drug Paraphernalia.

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 Ford absent).

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

10 YES 0 NO (Councillor Ford absent).

Councillor Hong Net spoke in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Councillor Net 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 Ordinance an Ordinance Creating a Human Rights Commission in the City of Lynn:

SECTION 1:00 - ESTABLISHED

The City of Lynn hereby establishes a Board to be known as the Human Rights Commission for the purpose of advocating for human rights and the prevention of discrimination.

SECTION 2:00 - PURPOSE

The Commission shall work toward achieving mutual respect and understanding among all individuals and groups in the City of Lynn, through improving the quality of public discourse and eliminating unlawful discrimination. The Human Rights Commission shall work with the Mayor and Lynn City Council on matter pertaining to the human rights of City of Lynn citizens.

SECTION 3:00 – FUNCTION

The functions of the Commission are as follows:

- 1) to improve the life of the City by enlisting community-based groups in educational programs and campaigns to increase mutual self-respect, harmonious intergroup relations, and the peaceful enjoyment of life in our diverse community;
- 2) to educate persons in the City who believe that their human or civil rights, as defined by existing local, state, and federal laws, have been violated in Lynn;
- 3) to work with municipal government departments, the School Department, Commissions, and Boards, to increase education with appropriate local, state, and federal laws, and to raise the levels of awareness and sensitivity to human rights issues in municipal business with the public.

SECTION 4:00 - MEMBERSHIP

The Commission shall consist of twelve (12) members, six of whom shall be appointed by the Mayor and six (6) of whom shall be appointed by the Lynn City Council in accordance

with their rules, to serve without compensation, at least one of whom shall be a an attorney from the City's Law Department.

- 1) The Commissioners shall initially serve for the following terms:four (4) members (two Mayoral and two Council appointments) shall serve for a one (1) year term;four (4) members (two Mayoral and two Council appointments) shall serve for a two (2) year term; andfour (4) members (two Mayoral and two Council appointments) shall serve for a three (3) year term;
- 2) A Commissioner may be removed from office for cause pursuant to provisions of Sections 3-7 and 6-6 of the City Charter;
- 3) Commissioners must be residents of the City at the time of their appointment and throughout their tenure;
- 4) Commissioners shall be classified as special municipal employees for the purpose of the Massachusetts General Laws and Amendments Chapter 268A, but shall receive no wages or compensation;
- 5) The Commission members shall actively recruit, review, and recommend prospective members of the Commission to the Mayor and the City Council;
- 6) The Commission at all times shall be representative of all socioeconomic and racial segments of the City as well as different neighborhoods.
- 7) The Commission shall meet at least once every sixty (60) days on Tuesday evenings and all meetings shall be scheduled no earlier 6:00 p.m and shall be posted.
- 8) Members of the Commission shall educate themselves regarding federal, state and local discrimination laws.
- 9) Failure and/or inaction of either the Mayor or City Council to appoint members of this Commission, at its creation, within 45 days of the effective date of the ordinance shall be deemed a waiver of that entity's (Mayor/City Council) ability to appoint and the other entity (Mayor or City Council) shall forthwith appoint the remaining members the other had original authority to appoint.

SECTION 5:00 – OFFICERS, ADOPTION OF RULES AND REGULATIONS QUORUM

- 1) The Commission shall elect a Chairperson among its members. The Chairperson shall be elected at the first meeting each year. The Commission members shall make an attempt to rotate the election of a Chairperson each year thereafter.
- 2) Seven members shall constitute a quorum for the purpose of conducting business of the Commission and all decisions shall be by majority vote of the Commission members present and voting.
- 3) The Commission shall adopt rules and regulations consistent with this Ordinance and the laws of the Commonwealth to carry out the policy and provisions of this Ordinance. The rules and regulations shall insure the due process rights of all persons involved in investigations..
- 4) All records of the Commission shall be public except as provided by State law.
- 5) Members of the Commission shall serve without compensation.

SECTION 6:00 – JURISDICTION

The Commission has jurisdiction:

- (A) To receive complaints and to educate members of the public regarding their legal rights concerning:
 - (1) the existence of unlawful discrimination in the City of Lynn which may deny or tend to deny equal access of opportunities in matters of housing, employment, education, contracts, purchasing, or other public accommodations, on the basis of age, ancestry, citizenship, color, disability, economic status, ethnicity, family/marital status, gender, military status, national origin, race, religion, sexual orientation or source of income; and in connection therewith;
 - (2) any conduct or behavior which is sexually or racially harassing;
 - (3) any unfair and unequal treatment which denies either a group or an individual equal protection of the law in the enjoyment and exercise of civil rights; and
 - (4) the presence in the City of Lynn of prejudice, intolerance, bigotry, or

other conduct or behavior which encourages and brings about misunderstanding and disrespect among all resident of the City.

- (B) The Commission shall not have jurisdiction to receive complaints and investigate claims against members of the Lynn Police Department as the Lynn Police Department's Professional Standards/Internal Affairs Division has jurisdiction to investigate and resolve all complaints of police misconduct
- (C) To attempt, by negotiation, to resolve all complaints over which it has jurisdiction and recommend to all complainants or other parties involved which appropriate governmental agencies, federal, state or local, has jurisdiction to take any such action as it feels will resolve such complaints. With respect to complaints not resolved by negotiations:
 - (1) to refer a complainant or other parties to any court or governmental agency having jurisdiction over the mater in question;
 - (2) to use its best efforts to bring about compliance with its recommendations.

SECTION 7:00 RECOMMENDATION OF DEFICIENCIES

- 1) The Commission shall discuss human rights problems with the Mayor and the Lynn City Council in writing and make recommendations necessary to protect the human rights of all City of Lynn citizens and employees in writing.
- 2) The Commission shall request of the Mayor, Lynn City Council, Department Heads and Superintendent of Schools, such information as is reasonable so that it may be properly informed.
- 3) The Commission may review and comment on all matters pertaining to the human rights of citizens but can draw no conclusions of law

SECTION 8:00 – COOPERATION WITH OTHER GOVERNMENTAL AGENCIES

The Commission shall work with Federal, State and City agencies, including, but not limited to the Lynn School Department and the Massachusetts Commission Against Discrimination, the City of Lynn Disability Commission, the Lynn Housing Authority and Neighborhood Legal Services in developing materials, workshops, public presentations and other educational resources designed to eliminate prejudice, intolerance, bigotry and discrimination and to enlist the cooperation of the various racial, religious, ethnic groups, civic and community organizations, labor organizations, fraternal and benevolent organizations and other groups to further the intent and purposes of this Ordinance.

SECTION 9:00 - ALLEGATIONS OF DISCRIMINATION – POWERS AND DUTIES

- (A) The function of the Commission shall be to implement the policy of this Ordinance by receiving complaints of discrimination, mediating complaints, educating citizens as to their legal rights with respect to complaints of discrimination and presenting written findings to the Mayor and Lynn City Council as well as making written recommendations to complainants and any other party as to which if any governmental agencies such as the Massachusetts Commission Against Discrimination. to whom they should seek relief.
- (B) The Commission shall exercise its authority through the following powers and duties:
 - (1) to receive complaints of violations of this Ordinance;
 - (2) to refer individuals alleging acts of discrimination to appropriate governmental agencies;
 - (3) to attempt by mediation to resolve any discrimination complaint over which it has jurisdiction;
 - (4) to seek or accept grants, gifts or bequests to help finance its services.

SECTION 10:00 COMPLAINTS RESOLUTION PROCEDURES

- (A) Any person or class of persons claiming to be aggrieved by an alleged violation of this Ordinance may make, sign and file with the Commission a complaint in writing which shall state the name and address of the person alleged to have committed such violation and the particulars as may be required by the Commission.
- (B) The filing of a complaint, the failure to file a complaint, or the dismissal of a complaint by the Commission shall not bar the complainant from seeking relief in any other administrative or judicial forum. Nor shall filing or failing to file a complaint with other Federal, State or City agencies or courts bar the complainant from seeking relief through the Commission.
- (D) After the filing of any complaint, the Chairperson of the Commission shall designate a Review Committee of one or more of the Commissioners to

informally meet with the complainant to educate him/her with respect to his/her avenues to resolve the complaint.

- (E) If such Review Committee determines after such informal meeting that probable cause does exist for crediting the allegations of the complaint, the Commission shall forthwith endeavor to conference, conciliate and mediate in an effort to eliminate the unlawful practice. The Commission shall not disclose what has occurred in the course of such endeavor except to disclose the terms of the conciliation when the complaint has been disposed of in this matter.

SECTION 11:00 –APPLICABILITY

The provisions of this ordinance shall be construed liberally for the accomplishment of the purposes of this Ordinance, and any ordinances or portions thereof inconsistent with any provision of this Ordinance is hereby repealed.

SECTION 12:00 – ORDINANCE PROVISIONS NOT EXCLUSIVE

- (A) Nothing in this Ordinance shall be construed to limit civil rights granted or hereinafter afforded by the laws of the federal government or of the Commonwealth.
- (B) Nothing in this Ordinance shall be deemed exempt or relieve any person from liability, duty, penalty or punishment provided by any present or future law of the Commonwealth or the United States other than any such law which purports to require or permit the doing of any act which would be unlawful under this Ordinance.
- (C) Any remedies provided by this Ordinance shall be cumulative with any other remedies provided by local, state or federal law.

SECTION 13:00 – TIME OF TAKING EFFECT

This ordinance shall take effect thirty-one (31) days after its final approval as adopted and advertised.

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 Ford absent).

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

10 YES 0 NO (Councillor Ford absent).

REPORT ACCEPTED.

Report of the June 26, 2012 Committee on Finance recommending the following to be accepted:

Ordered that the sum of Thirty Three Thousand Seven Hundred Thirty Dollars be certified as an "Available Fund" as awarded to the City of Lynn Police Department through the Executive Office of Public Safety and Security for the Federal FY2009 Buffer Zone Protection Plan Grant.

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 sum of Thirty Three Thousand Seven Hundred Thirty Dollars be certified as an "Available Fund" as awarded to the City of Lynn Police Department through the Executive Office of Public Safety and Security for the Federal FY2009 Buffer Zone Protection Plan Grant.

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 Ford absent).

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

10 YES 0 NO (Councillor Ford absent).

Ordered that the sum of One Hundred Fifty Three Thousand Four Hundred Thirty Five Dollars and Zero Cents be certified as an "Available Fund" as allotted to the City of Lynn Office of Economic and Community Development by the North Shore Workforce Investment Board for summer youth employment.

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 sum of One Hundred Fifty Three Thousand Four Hundred Thirty Five Dollars and Zero Cents be certified as an "Available Fund" as allotted to the City of Lynn Office of Economic and Community Development by the North Shore Workforce Investment Board for summer youth employment.

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 Ford absent).

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

10 YES 0 NO (Councillor Ford absent).

Ordered that the following Appropriation Transfer be made:

From the Account of Clerk of Committees Expense:

To the Account of Clerk of Committees Payroll: \$1,172.52

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 Clerk of Committees Expense to the Account of Clerk of Committees Payroll in the amount of \$1,172.52.

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 Ford absent).

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

10 YES 0 NO (Councillor Ford absent).

From the Account of Reserve Fund:

To the Account of IT Payroll: \$2,700.00

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 Reserve Fund to the Account of IT Payroll in the amount of \$2,700.00.

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 Ford absent).

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

10 YES 0 NO (Councillor Ford absent).

From the Account of Free Cash:

To the Account of DPW Sanitation Expense: \$191,756.00

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 Free Cash to the Account of DPW Sanitation Expense in the amount of \$191,756.00.

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 Ford absent).

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

10 YES 0 NO (Councillor Ford absent).

From the Account of Reserve Fund:

To the Account of Collector’s Payroll: \$4,000.00

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 Reserve Fund to the Account of Collector’s Payroll in the amount of \$4,00.00.

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 Ford absent).

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

10 YES 0 NO (Councillor Ford absent).

REPORT ACCEPTED.

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