

**CITY OF LYNN**

**Regular City Council Meeting, March 26, 2013  
Council President Timothy Phelan Presiding**

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

**Motion made by Councillor Colucci and seconded by Councillor Net to accept the Meeting Minutes of March 12, 2013.  
Motion carried.**

**Motion made by Councillor Capano and seconded by Councillor Trahan to suspend the rules and move to New Business.  
Motion carried.**

**NEW BUSINESS:**

**Resolution Relating to Maintaining Verizon Repair Center Jobs and Innovative Technologically Work in the Commonwealth of Massachusetts  
CAPANO, PHELAN, NET, CRIGHTON, CAHILL, FORD, BARTON**

WHEREAS, solutions to competitive demands on businesses in Massachusetts and throughout the United States and abroad often involve downsizing and outsourcing instead of protecting workers and their families, and

WHEREAS, Massachusetts Workers are without jobs, and some communities are particularly hard hit with long term unemployment; and

WHEREAS, it is recognized that maintaining good jobs with good pay & benefits in the Commonwealth of Massachusetts is encouraged of all businesses, ensuring working families employed in Massachusetts have job stability, and

WHEREAS, Verizon Communications in Massachusetts has been and continues to downsize their Massachusetts Workforce and has not added any new technology driven jobs in the Commonwealth of Massachusetts, and

WHEREAS, Verizon Communications in Massachusetts has decided to relocate their two Enhanced Verizon Repair Centers located in Andover, Massachusetts and Springfield, Massachusetts out of state to Rhode Island, forcing upon workers the options of an

unreasonable commute hundreds of miles from their homes, moving out of state, or ending their employment with Verizon, and

WHEREAS, it is recognized that Verizon workers and their families will suffer extreme hardships, creating stressful family relationships, issues with child care and elder care, marital discord, and the communities in which they live will be impacted as these employees determine whether to move out of state, commute hundreds of miles or quit, and

WHEREAS, it is recognized that the Verizon Communications Enhanced Verizon Repair Centers have been located in Massachusetts for over forty years, servicing Massachusetts residents;

BE IT RESOLVED, that the City of Lynn, Massachusetts promotes collaborative efforts of governments, business and labor in the dynamic field of telecommunications to employ workers in Massachusetts and partner with the communities in the Commonwealth of Massachusetts in sustaining and growing a high-performance economy, benefitting consumers, working families, and our communities.

BE IT RESOLVED, that the City of Lynn, Massachusetts supports innovative job growth and retaining technology driven jobs with good pay and benefits, and strongly encourages Verizon Communications to continue to employ EVRC workers in Massachusetts providing the same repair center services that have served the Commonwealth for over forty years; and

BE IT RESOLVED, that the City of Lynn, Massachusetts will provide a copy of this resolution to Verizon, strongly encouraging Verizon to consider the impact of relocating workers out of state on their workers and families, the communities in which they live, and the economic growth and stability of the communities in the Commonwealth of Massachusetts

**Motion made by Councillor Capano and seconded by Councillor Trahan to suspend the rules to allow Ed Starr, Business Agent of the International Brotherhood to speak on the Resolution.**

**Motion carried.**

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

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

**11 YES 0 NO**

**UNFINISHED BUSINESS:**

**Motion made by Councillor Cyr and seconded by Councillor Lozzi to accept the Ordinance Committee Report of March 12, 2013:**

IN THE YEAR TWO THOUSAND AND THIRTEEN  
AN ORDINANCE AMENDING THE ORDINANCE CONSOLIDATING THE  
ELECTION  
DEPARTMENT WITH THE CITY CLERK'S OFFICE

Be it Ordained by the City Council of the City of Lynn and by the authority of the  
same as follows to wit:-

**SECTION 1:00**

The City Clerk shall receive additional compensation of \$ 15,000.00 over and above the amount stated in the Ordinance dated November 22, 2005.

**SECTION 2:00**

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

**SECTION 3:00**

This ordinance shall be considered to have taken effect as of January 1, 2013.

**IN THE YEAR TWO THOUSAND AND THIRTEEN AN ORDINANCE  
ESTABLISHING A DOG PARK IN THE CITY FO LYNN AND REGULATING THE  
USE OF THE DOG PARK**

**SECTION 1:00      ESTABLISHMENT**

There is established an enclosed dog park on Parkland Avenue in the City of Lynn at 42 degrees 28'53 North x 70 degrees 57'56 West for the use and enjoyment of dogs of residents of the city and residents alike. The park shall be known as the City of Lynn's Barkland Avenue Dog Park.

**SECTION 2:00**      **USE REGULATIONS**

- (1) All dogs entering the park must be at least six months of age;
- (2) All dogs must be accompanied by a keeper at least 18 years of age who shall remain within the fenced area;
- (3) Individuals between the ages of 10 and 17 years entering the park must be accompanied by an adult, age 18 years or older;
- (4) All dogs must be leash free once within the confines to the park's second gate;
- (5) Keepers must have voice control over their dogs at all times;
- (6) Keepers must immediately clean and properly dispose of all waste;
- (7) Keepers must remain hands free to ensure supervision and safety of their dogs and other visitors to the park;
- (8) All dogs entering the park must display a valid dog park tag, a valid vaccination tag, and dog license issued by the City of Lynn.
- (9) Keepers/owners are responsible and liable for the actions of their dogs.
- (10) The small fenced area is only intended for dogs under 30 pounds.

**SECTION 3:00**      **PROHIBITIONS**

- (1) Keepers may not supervise more than three dogs at one time;
- (2) Dogs deemed dangerous pursuant an Ordinance Pertaining to Vicious Dogs and Animals on the City of Lynn are prohibited;
- (3) Cigarette smoking and smoking of any type within the park are prohibited;
- (4) Dogs displaying aggressive behavior may be immediately removed from the park by the animal control officer, his or her designee, the police department and/or the fire department;
- (5) Children's toys and sporting equipment are prohibited within the fenced area of the park with the exception of tennis balls and frisbees;
- (6) Due to health and safety concerns, children under the age of ten are prohibited from being within the fenced area of the park;
- (7) Spike and or choke collars must be removed once inside the fenced area of the park; however, a leather/nylon collar must be worn inside the fenced area of the park.
- (8) The consumption of food is prohibited within the fenced area of the park except for non-alcoholic liquid drinks.
- (9) Dog treats of any kind are prohibited from the dog park.

**SECTION 4:00**      **PENALTIES**

Whoever violates any provision of this article shall be subject to a fine of a \$25.00 for the first offense and a \$50.00 for any subsequent offense. The animal control officer and/or City Clerk may revoke any an existing dog park pass and/or prohibit future participation in the pass program for those who violate any provision of this article. The ban from the park can include both the dog and owner / keeper.

**SECTION 5:00**      **DOG PARK TAG FEES**

Dog park tags shall be issued at an annual fee of \$25.00 per dog and shall be made available at the Lynn City Clerk's office during normal business hours.

Applicants for a dog park tag shall sign a waiver of liability and an agreement to abide by park rules and present proof of current spay/neuter and vaccination status and dog license for the dog prior to the issuance of a dog park tag. The Director of Community Development, together with the Animal Control Officer and the Director of the Department of Public Works, shall determine the number of dog park tags to be issued each year.

All fees received by the City Clerk for dog park tags shall be deposited into a revolving fund account. Said receipts shall be expended solely for the administration, care and maintenance of the dog park at Parkland Avenue. The Office of Community Development may expend said funds for the above referenced purposes.

**SECTION 6:00**      **ENFORCEMENT AND APPEAL**

The Animal Control Officer, Lynn Police Department and Lynn Fire Department shall have the authority to enforce the provisions of this Ordinance.

Any person aggrieved by the decision of the animal control officer may appeal to the Chief of Police or his designee.

**SECTION 7:00**      **INCONSISTENT ORDINANCES**

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

**SECTION 8:00**      **TIME OF TAKING EFFECT**

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

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

**11 YES 0 NO**

## **COMMITTEE REPORTS:**

### **Report of the March 26, 2013 Committee on Ways and Means recommending the following to be accepted:**

ORDER/RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULED NO. 01, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the governing body of City of Lynn, MA ("Lessee") desires to obtain certain equipment (the "Equipment") described in Equipment Schedule No. 01 to the Master Lease Agreement (collectively, the "Lease"), between SUNTRUST EQUIPMENT FINANCE & LEASING CORP. ("Lessor") and Lessee, the form of which has been available for review by the governing body of Lessee prior to this meeting; and

WHEREAS, the Equipment is essential for Lessee to perform its governmental functions; and

WHEREAS, THE FUNDS MADE AVAILABLE UNDER THE Lease will be deposited with SUNTRUST BANK (Escrow Agent") pursuant to an Escrow Agreement between Lessor, Lessee and Escrow Agent (the "Escrow Agreement") and will be applied to the acquisition of the Equipment in accordance with said Escrow Agreement; and

WHEREAS, Lessee has satisfied the legal requirements, including those relating to any applicable public bidding requirements, to arrange for the acquisition of the Equipment and the execution and delivery of the Lease and the Escrow Agreement; and

WHEREAS, Lessee proposes to enter into the Lease with SUNTRUST EQUIPMENT FINANCE & LEASING CORP. and the Escrow Agreement with Lessor and Escrow Agent substantially in the forms presented to this meeting.

NOW, THEREFORE, BE IT ORDERED/RESOLVED BY THE GOVERNING BODY OF LESSEE AS FOLLOWS:

Section 1. It is hereby found and determined that the terms of the Lease and the Escrow Agreement (collectively, the "Financing Documents") in substantially the forms presented to this meeting and incorporated in this resolution are in the best interests of Lessee for the acquisition of the Equipment.

Section 2. The Financing Documents and the acquisition and financing of the Equipment under the terms and conditions as described in the Financing Documents are hereby approved. The Mayor of Lessee and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Financing Documents with any changes, insertions and omissions therein as may be approved by the officers who execute the Financing Documents, such approval to be conclusively evidenced by such execution and delivery of the Financing Documents. The City Clerk of Lessee and any other officer of Lessee who

shall have the power to do so be, and each of them hereby is authorized to affix the official seal of Lessee to the Financing Documents and attest the same.

Section 3. The proper officers of Lessee be, and each of them hereby, is authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Financing Documents.

Section 4. Pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code"), Lessee hereby specifically designates the Lease as a "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code.

Section 5. This Order/Resolution shall take effect immediately.

**Councillor Lozzi 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 /RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULED NO. 01, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.**

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**WHEREAS, the Equipment is essential for Lessee to perform its governmental functions; and**

**WHEREAS, THE FUNDS MADE AVAILABLE UNDER THE Lease will be deposited with SUNTRUST BANK (Escrow Agent') pursuant to an Escrow Agreement between Lessor, Lessee and Escrow Agent (the "Escrow Agreement") and will be applied to the acquisition of the Equipment in accordance with said Escrow Agreement; and**

**WHEREAS, Lessee has satisfied the legal requirements, including those relating to any applicable public bidding requirements, to arrange for the acquisition of the Equipment and the execution and delivery of the Lease and the Escrow Agreement; and**

**WHEREAS, Lessee proposes to enter into the Lease with SUNTRUST EQUIPMENT FINANCE & LEASING CORP. and the Escrow Agreement with Lessor and Escrow Agent substantially in the forms presented to this meeting.**

**NOW, THEREFORE, BE IT ORDERED/RESOLVED BY THE GOVERNING BODY OF LESSEE AS FOLLOWS:**

**Section 1. It is hereby found and determined that the terms of the Lease and the Escrow Agreement (collectively, the "Financing Documents") in substantially the forms presented to this meeting and incorporated in this resolution are in the best interests of Lessee for the acquisition of the Equipment.**

**Section 2. The Financing Documents and the acquisition and financing of the Equipment under the terms and conditions as described in the Financing Documents are hereby approved. The Mayor of Lessee and any other officer of Lessee who shall have power to**

execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Financing Documents with any changes, insertions and omissions therein as may be approved by the officers who execute the Financing Documents, such approval to be conclusively evidenced by such execution and delivery of the Financing Documents. The City Clerk of Lessee and any other officer of Lessee who shall have the power to do so be, and each of them hereby is authorized to affix the official seal of Lessee to the Financing Documents and attest the same.

Section 3. The proper officers of Lessee be, and each of them hereby, is authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Financing Documents.

Section 4. Pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code"), Lessee hereby specifically designates the Lease as a "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code.

Section 5. This Order/Resolution shall take effect immediately.

**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.**

**Report of the March 26, 2013 Committee on Ordinance recommending the following to be accepted:**

An Ordinance Amending the Ordinance Regulating Public Safety Within Convenience Stores in the City of Lynn. (Barton) – **TABLED**

An Ordinance Establishing a Senior Citizen Property Tax Work-Off Abatement. (**Lays over to April 9, 2013**).

Proposed Amendment to the Zone Ordinance (Section 16C./ Site Plan Review) – **Set Down for Public Hearing.**

**REPORT ACCEPTED.**

**Report of the March 26, 2013 Committee on Minor Licenses recommending the following to be accepted:**

**TAXI OPERATORS (NEW)**

Farid, Adil 8 Farnham St. Roxbury - **TABLED**

Garrido, Walquiry 8 Carnes Street - - **TABLED**

Kabir, Abm Lutful 126 Eastern Ave. #9 - **TABLED**

Saint-Fleur, Nadia 13 Park Street # 2- **Granted**

**TAXI OPERATORS - 60 DAY REVIEW**

Soriano, Jose R 67 Franklin St # 1

**LIVERY OPERATORS -60 DAY REVIEW**

Caisse, Justin 18 Rantoul Ave. On March 12, 2013 was suspended - **DENIED**

**SECOND HAND ARTICLE – RENEWAL**

9A Broad St, Au Bon Pins Shop & Boutique- **Granted**

**SECOND HAND ARTICLE – NEW**

315 Chestnut St., Black Diamond Pawn, LLC – **TABLED until address verified.**

810 Lynnway, We Buy Gold 24- **Granted**

**OLD GOLD SILVER – NEW**

315 Chestnut St., Black Diamond Pawn, LLC – **TABLED until address verified.**

810 Lynnway, We Buy Gold 24- **Granted**

**PAWN BROKERS – NEW**

315 Chestnut St., Black Diamond Pawn, LLC – **TABLED until address verified.**

**DOOR – DOOR SALES**

21 Drydock Ave. 2<sup>nd</sup> Floor, Boston, MA 02110, Next Step Living - **TABLED**

**CANNING:**

Lynn Classical Baseball Program (Adults Only) – April 18, 19, 2013- **Granted**

Greater Lynn Babe Ruth (Adults Only) – April 25, 26, 27, 2013- **Granted**

Veterans Appreciation Day Committee (Adults Only) – July 11, 12, 13, 2013- **Granted**

Lynn English Baseball Program (Adults Only) – March 24, 2013 - **Granted**

**OTHER BUSINESS:**

**REPORT ACCEPTED.**

**Report of the March 26, 2013 Committee on Public Property recommending the following to be accepted:**

Ordered that the City of Lynn accept a Quitclaim Deed from the Off Street Parking Commission, a municipal commission duly established under the provisions of Chapter 655 of the Acts of 1956, acting by and through its Chairman, Taso Nikolakopoulos, hereto duly authorized by a vote of the Off-Street Parking Commission having deemed that the interest of the City of Lynn will be best served conveying to the City of Lynn for consideration of One Dollar (\$1.00) ten parcels of recorded and registered land located on Broadway in the vicinity of Wyoma Square for the express purpose of establishing a pilot parking program. Further Ordered that the Mayor and Lynn City Solicitor's Office take any and all action necessary in the acceptance of said Quitclaim Deed by the City of Lynn and recording the same with the Essex South Registry of Deeds.

**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 accept a Quitclaim Deed from the Off Street Parking Commission, a municipal commission duly established under the provisions of Chapter 655 of the Acts of 1956, acting by and through its Chairman, Taso Nikolakopoulos, hereto duly authorized by a vote of the Off-Street Parking Commission having deemed that the interest of the City of Lynn will be best served conveying to the City of Lynn for consideration of One Dollar (\$1.00) ten parcels of recorded and registered land located on Broadway in the vicinity of Wyoma Square for the express purpose of establishing a pilot parking program. Further Ordered that the Mayor and Lynn City Solicitor's Office take any and all action necessary in the acceptance of said Quitclaim Deed by the City of Lynn and recording the same with the Essex South Registry of Deeds.**

**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 Lozzi voting PRESENT).**

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

**10 YES 0 NO (Councillor Lozzi voting PRESENT).**

Ordered that the City of Lynn accept Buchanan Way as a public way, pursuant to MGL, C. 79 and C. 82, §§21-24.

**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 accept Buchanan Way as a public way, pursuant to MGL, C. 79 and C. 82, §§21-24.**

**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.**

**Report of the March 26, 2013 Committee on Finance recommending the following to be accepted:**

Ordered that the City Comptroller be and is hereby authorized to take the following action:

Certify as an "Available Fund" the amount of Three Million Eight Hundred Sixty Six Thousand Thirty Six Dollars and Zero Cents (\$3,866,036.00) as allotted to the City of Lynn School Department by the Massachusetts Department of Education (DOE). These funds are designated for the TITLE I Carryover Grant. Grant Period is 3/4/13 to 9/30/13.

**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 Certify as an "Available Fund" the amount of Three Million Eight Hundred Sixty Six Thousand Thirty Six Dollars and Zero Cents (\$3,866,036.00) as allotted to the City of Lynn School Department by the Massachusetts Department of Education (DOE). These funds are designated for the TITLE I Carryover Grant. Grant Period is 3/4/13 to 9/30/13.**

**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**

Transfer the sum of Seven Thousand Three Hundred Forty Two Dollars and Eighty Three Cents (\$7,342.83) from the Account of Election Department/Transfer Account to the City Clerk/outside professional Account.

**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 the sum of Seven Thousand Three Hundred Forty Two Dollars and Eighty Three Cents (\$7,342.83) from the Account of Election Department/Transfer Account to the City Clerk/outside professional Account.**

**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**

**Motion made by Councillor Colucci and seconded by Councillor Barton 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