

**AGENDA FOR THE WAYS AND MEANS COMMITTEE  
TUESDAY, APRIL 24, 2012  
6:30 P.M. - ROOM 402  
COUNCIL ORDERS, RECOMMENDATIONS & REQUESTS**

**PUBLIC HEARING:**

Voted to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the City Council and the Mayor approve amendments to the bill before enactment by the General Court. The City Council and the Mayor are hereby authorized to approve amendments, which shall be within the scope of the general public objectives of this petition.

**AN ACT AUTHORIZING THE CITY OF LYNN TO ESTABLISH A PROGRAM FOR  
ENFORCEMENT AGAINST ILLEGAL DUMPING**

SECTION 1.

Notwithstanding any general or special law or rule or regulation to the contrary, it shall be unlawful for any person in the city of Lynn, directly or indirectly, to dump, place, throw, deposit or discharge any refuse, rubbish, garbage, household goods, appliances or furniture, construction debris, landscaping debris, scrap, trash or other material of any kind on any way, public or private, appearing on the official map of the city of Lynn, or within 20 yards thereof or on any land owned or controlled by the city.

SECTION 2. Notwithstanding any general or special law or rule or regulation to the contrary, it shall be unlawful for any person owning, in whole or in part, directly or indirectly, any real property, including ownership of any right to pass and repass on a private way in the city of Lynn upon which any refuse, rubbish, garbage, household goods, appliances or furniture, construction debris, landscaping debris, scrap, trash or other material of any kind has been dumped, placed, thrown, deposited or discharged to fail to remove such material within 7 calendar days of receipt of a written notice from a police officer, code inspector or other officer or employee of the city of Lynn duly authorized by ordinance or order of the mayor to remove and lawfully dispose of such material.

SECTION 3. The city of Lynn may enforce section 1 by issuing a citation with the penalty as described in Section 5 or prosecuting criminal or civil actions in the housing court, superior court or the district court of Lynn and may enforce section 2 by issuing citation with the penalty

as described in Section 5 or prosecuting civil actions in those courts. The City of Lynn Department of Inspectional Services, the Department of Public Works and/or the Lynn Police Department may issue such citations. No action commenced as a criminal action shall be converted to a civil enforcement action except with the consent of the city.

SECTION 4. A person convicted of a violation of section 1 shall be punished by a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment in the house of correction for not more than 7 days or by both such fine and imprisonment.

SECTION 5. A person found responsible in a civil action for a violation of section 1 or 2 shall be required to pay a civil penalty of 3 times the amount, up to a maximum of \$5,000, estimated or actually paid by the city to remove the dumped material from the property. The court may also issue other orders and injunctions to remedy the circumstances of each case.

SECTION 6. All fines and penalties collected for violations of this act shall be paid to the city of Lynn. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the city shall establish and maintain a Disposal Enforcement Fund into which all such payments shall be deposited. The city treasurer may invest funds in the fund in the manner authorized by sections 55 and 55B of said chapter 44 and any interest earned on the fund shall be credited to and become part of the account. The city shall appropriate and expend amounts from the account to finance the enforcement of this act, removing improperly deposited material from the property subject to this act and financing programs and personnel involved in the collection and lawful disposal of unwanted household goods generated by residents of the city.

SECTION 7. This act shall take effect upon its passage.

## **PUBLIC HEARING:**

### **HOME RULE PETITION – LEBLANC**

WHEREAS, Officer Greg LeBlanc was involved in a terrible cruiser accident on July 12, 2008 with another Lynn Police Officer while both cruisers were responding to a reported incident that threatened the lives and safety of Lynn residents;

WHEREAS, as a result of the accident, Officer Greg LeBlanc received debilitating injuries which resulted in numerous surgeries, including the breaking and replacement of bones and removal of organs;

WHEREAS, as a result of the accident and corresponding surgeries, Officer Greg LeBlanc was left disabled and no longer capable of fulfilling his duties as a Lynn Police Officer in any capacity;

WHEREAS, Officer Greg LeBlanc was under the age of forty (40) years at the time of the accident and had less than fifteen (15) years of combined credible service in any public employee retirement system within the Commonwealth of Massachusetts;

WHEREAS, Officer Greg LeBlanc has two children under the age of ten (10) years old at the time of the accident;

WHEREAS, the date of incident resulting in the permanent disability of Officer Greg LeBlanc occurred less than 4 years prior to application for this Home Rule Petition; and

WHEREAS, the City of Lynn is committed to ensuring the physical and financial well being of its employees who, during scheduled work hours, are permanently and totally disabled as a direct result, and in response too, an event that threatened the public safety and lives of Lynn residents.

The City of Lynn, in conjunction with the Lynn Retirement Board, shall support this Home Rule Petition and upon enactment by the Commonwealth, enforce its provisions:

SECTION 1. Notwithstanding any general or special law to the contrary and in order to promote the public good, the Retirement Board of the City of Lynn, shall adjust the annual amount of pension payable to Gregory LeBlanc, a Police Officer employed by the City of Lynn who, while responding to a report of gun violence at a public park sustained injuries which likely could have resulted in his death. The annual amount of pension payable to Gregory LeBlanc under this Act shall be fixed in an amount equal to the regular rate of compensation which would have been paid had he continued in service as a Police Officer in the City at the grade held by him at the time of his retirement; provided, however, that (1) after he has attained the maximum age for this group, his retirement shall be reduced to the appropriate rate for an accidental disability retirement, treating his retirement years as creditable service for determining the amount of his benefits and (2) the retirement allowances payable to him after he has attained the maximum age for his group shall be increased in the manner provided to all retirees of the town under Chapter 32 of the General Laws.

SECTION 2. Before taking action under authority of this Act, the Retirement Board of the City of Lynn shall review the existing medical records and other relevant information concerning Gregory LeBlanc. The Retirement Board of the City of Lynn shall approve a pension for Gregory LeBlanc upon its conclusion that Gregory LeBlanc is physically incapacitated for further duty as a Police Officer, that the incapacity is likely to be permanent and that the injuries could have likely resulted in his premature death. The retirement shall become effective as of the date following the last day on which he is entitled to receive regular compensation. Upon the retirement of Gregory LeBlanc, the Retirement Board of the City of Lynn shall forthwith pay to him all amounts standing to his credit in the annuity savings fund of the retirement system of the town. Upon the approval of the pension provided for herein and notwithstanding any general or special law to the contrary, including, but not limited to, Section 8 of Chapter 32 of the General Laws, Gregory LeBlanc shall not be subject to examination or to re-examination by a medical panel or other physician to determine his eligibility or continued eligibility for accidental disability retirement benefits as provided in this Section or in said Section 8 of said Chapter 32.

SECTION 3. Gregory LeBlanc shall be eligible for health insurance through the City of Lynn on the same basis as all other retirees and shall be responsible for the retirees' share of all premiums.

SECTION 4. Gregory LeBlanc shall not have his retirement allowance subject to modification as a result of earnings from alternative employment; provided, however, that he shall be required to submit earnings reports to PERAC under Section 91A of Chapter 32 of the General Laws. Gregory LeBlanc shall be subject to the limitation of earnings formula as set forth in said Section 91A of said Chapter 32, with the ability to earn the amount described in said Section 91A of said Chapter 32. If he earns in excess of the allowable amount, PERAC shall inform him of the excess amount earned and the amount owed by him to the Retirement Board of the City of Lynn. PERAC shall, in its discretion, require repayment of that amount to the Retirement Board or may withhold amounts as it deems appropriate from future retirement allowance payments until the amounts owed to the Retirement Board have been paid in full.

SECTION 5. The retirement allowance payable pursuant to this act shall remain subject to all other provisions of Chapter 32 of the General Laws as if they had been granted as accidental disability retirements in the normal course of events under said Chapter 32, except to the extent that said Chapter 32 conflicts with this act.

SECTION 6. This act shall take effect upon its passage.

**OTHER BUSINESS:**

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