

CITY OF LYNN

**Regular City Council Meeting, February 22, 2011
Council President Timothy Phelan Presiding**

**Nine Councillors Present (Councillor Duffy and Councillor Ford absent).
Moment of Silence.
Pledge of Allegiance.**

**Motion made by Councillor Colucci and seconded by Councillor Crowley to accept the Meeting Minutes of January 25, 2011.
Motion carried.**

COMMUNICATIONS:

Communication from Richard Fortucci, City Treasurer:

Dear Councilors:

The City of Lynn has foreclosed on the following property:
21R Michigan Avenue, Owner: Gail Raymond, Trustee of the Raymond Living Trust.
Please adjust your records accordingly.

Sincerely, Richard J. Fortucci, City Treasurer

**Motion made by Councillor Colucci and seconded by Councillor Crowley to accept for the files.
Motion carried.**

UNFINISHED BUSINESS:

Finance Committee Report of January 25, 2011:

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

From the Account of Precinct Payroll:

To the Account of City Clerk Expense: \$14,000.00

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

Motion carried by the following ye and nay vote:

9 YES 0 NO (Councillor Duffy and Councillor Ford absent).

From the Account of Reserve Fund:

To the Account of Veteran's Payroll: \$13,845.48

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

Motion carried by the following ye and nay vote:

9 YES 0 NO (Councillor Duffy and Councillor Ford absent).

Adopt Permanently: (previously adopted December 28, 2010 with an Emergency)
**IN THE YEAR TWO THOUSAND TEN AN ORDINANCE AMENDING THE
ORDINANCE REGARDING SNOW REMOVAL IN THE CITY OF LYNN**

SECTION 1:00 **Snow removal**

A. No owner, manager or tenant of (i) commercial building, estate or land abutting on a sidewalk, (ii) mixed-use building, estate, or land abutting on a sidewalk, or (iii) residential building, estate, or land abutting on a sidewalk containing more than six (6) residential units shall place or suffer to remain in place for more than three (3) hours between sunrise and sunset any slush, or loose, granular or packed snow upon such sidewalk. Removal of any slush and snow should be conducted along the full paved width of such sidewalk and in a manner that ensures the orderly flow and safety of pedestrian traffic upon such sidewalk. Removal of any slush or snow shall be conducted in a manner that clears the full paved path or a minimum of forty-two inches wide, including removal of snow from all curb cuts, intersections, crosswalks, handicapped ramps and sidewalk locations. Each day that a violation exists shall be considered a separate offense.

B. No owner, manager or tenant of a residential building, estate or land abutting a sidewalk containing six (6) or fewer residential units shall place or suffer to remain in place for more than ten (10) hours after sunrise or when snowfall ceases any slush, or loose, granular or packed snow upon such sidewalk. Removal of any slush and snow should be conducted along the full paved width of such sidewalk and in a manner that ensures the orderly flow and safety of pedestrian traffic upon such sidewalk. Removal of any slush or snow shall be conducted in a manner that clears the full paved path or a minimum of forty-two inches wide, including removal of snow from all curb cuts, intersections, crosswalks, handicapped ramps and sidewalk locations. Each day that a violation exists shall be considered a separate offense

C. The provisions of subsections A and B of this section shall apply to snow and ice which slides or falls from any building, and to ice formed or accumulated upon any sidewalk, however formed or accumulated.

D. The Parking Department, the Police Department, the Inspectional Services Department and Department of Public Works shall be the enforcing authority for all purposes of this Section. All persons violating any of the provisions of this section shall forfeit and pay a sum not exceeding fifty dollars (\$50.00). The City of Lynn may issue a warning for a first offense in the sole discretion of the inspector issuing said fine.

SECTION 2:00 **Deposit of snow on city streets**

A. No person shall deposit or dump snow in any manner from inside their property line or from any sidewalk, onto the city streets.

B. The Parking Department, the Police Department, the Inspectional Services Department and Department of Public Works shall be the enforcing authority

for all purposes of this Section. All persons violating the provisions of this section shall forfeit and pay a sum not less than one hundred dollars (\$100.00) for each offense.

SECTION 3:00 Removal of snow from railroad tracks

Whenever any railway corporation clears its tracks of snow by the use of plows, it shall remove from between the tracks and outside thereof, such amount of snow as shall make the streets safe and even for public travel. Such removal of snow shall be done to the satisfaction of the Department of Public Works.

SECTION 4:00 Repeal of Inconsistent Ordinances

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

SECTION 5:00 Time of Taking Effect

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

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

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councillor Duffy and Councillor Ford absent).

Motion made by Councillor Cahill and seconded by Councillor Cyr to request that at the end of the snow season, the Inspectional Services Department provide a comprehensive written report on the results of the enforcement of the December 28, 2010 Ordinance relative to Snow Removal, for evaluation on the effectiveness of the ordinance and recommendations for improvements.

Motion carried by the following yea and nay vote:

9 YES 0 NO

Motion made by Councillor Capano and seconded by Councillor Cyr to request that ISD confirm what, if any, arrangements have been made with regards to the MBTA removing snow from on or under the MBTA bridges in a timely manner.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councillor Duffy and Councillor Ford absent).

COMMITTEE REPORTS

Report of the February 22, 2011 Committee on Minor Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW):

Sacco, Michael, 39 Cottage St. – **Granted w/30-60-90 Day Review**

Tejada, Ernie, 6 Sargents Ct-tabled 2/15/11 - **Granted**

RENEWAL SIGN

61 Franklin Street, BFC Prime, Inc. - **Granted**

CLASS II AUTO DEALER – AUTO REPAIR, FLAMMABLE – RENEWAL

106 Chestnut St. – Kevin Auto Sales & Repair (approved 12/28/10 with 30 day review for taxes) – Suspended until owner pays 50% of Taxes Due.

AUTO REPAIR, FLAMMABLE, RENEWAL

106 Chestnut St. – Los V Tires (approved 12/28/10 with 30 day review for taxes) – Suspended until owner pays 50% of Taxes Due.

COIN OPERATED DEVICES – RENEWAL

421 Essex St. – Essex Modern Coin Laundry – 3 Class III (tabled from 2/15/11) – Granted with stipulation that no gambling machines or phone card machines on premises.

REPORT ACCEPTED.

Report of the February 22, 2011 Finance Committee recommending the following to be accepted:

Ordered that the City Comptroller be and is hereby authorized to make the following appropriation transfer:

From the Account of ISD Payroll:

To the Account of Workers Compensation Payroll: \$167,525.20

(Lays over to March 8, 2011).

Ordered that there be and hereby is appropriated One Million Nine Hundred Fifty Four Thousand Seven Hundred Seventy Three Dollars and zero Cents (\$1,954,773.00)

(Lays over to March 8, 2011).

Ordered that thereby and hereby is appropriated Five Hundred Ten Thousand Five Hundred Fifty Five Dollars and Zero Cents (\$510,555.00) as allotted to the City of Lynn by the American Recovery and Reinvestment Act (ARRA) for law enforcement initiatives through September 12, 2012.

(Lays over to March 8, 2011).

NEW BUSINESS:

Motion made by Councillor Cyr and seconded by Councillor Colucci that the City of Lynn hereby accepts the Provisions of Massachusetts General Laws, Chapter 40, Section 8G: A city or town which accepts this section may enter into an agreement with another city or town, or other cities and towns including cities and towns in states contiguous to the commonwealth, to provide mutual aid programs for police departments to increase the capability of such departments to protect the lives, safety, and property of the people in the area designated in the agreement. Said agreement may include the furnishing of personal services, supplies, materials, contractual

services, and equipment when the resources normally available to any municipality in the agreement are not sufficient to cope with a situation which requires police action. When providing such mutual aid, police officers shall have all the immunities and powers granted to them in the municipalities that employ them, including, but not limited to, powers of arrest.

While in transit to, returning from, and during a mutual aid response for another city or town, a participating police officer shall maintain the right of indemnification granted by law, or by his home city or town, or both, for all claims arising out of any action within the scope of his employment in accordance with a valid mutual aid agreement. A mutual aid agreement may provide for methods of activation or requesting and responding to mutual aid requests. The agreement may also address issues such as pay or benefits for officers, insurance, and indemnification, injury, compensation and other operational matters related to police services, provided for a mutual aid response. Nothing in this paragraph shall be construed to expand or otherwise modify existing police powers as provided by law or any existing mutual aid agreement or both.

Motion carried by the following yea and nay vote:

9 YES 0 NO (Councillor Duffy and Councillor Ford absent).

Motion made by Councillor Colucci and seconded by Councillor Cyr to request the DPW install temporary signs indicating the odd/even parking restrictions during winter months.

Motion carried.

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

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

