

**CITY OF LYNN**

**Regular City Council Meeting, March 8, 2011  
Council President Timothy Phelan Presiding**

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

**Motion made by Councillor Crighton and seconded by Councillor Colucci to accept the Meeting Minutes of February 1, 2011, February 8, 2011, February 15, 2011, and February 16, 2011.  
Motion carried.**

**COMMUNICATIONS:**

**Presentation by members of the Lynn Community Health Center's KAYA and Girls Inc.'s LaVerdad Youth Group regarding the pricing and availability of Other Tobacco Products in the City of Lynn:**

**Motion made by Councillor Crighton and seconded by Councillor Lozzi to present and grant the following Resolution.**

**RESOLUTION to Protect Young People from the Tobacco Industry**

**WHEREAS**, the tobacco industry continues to target young people in communities across Massachusetts by constantly changing its tactics to get around laws and regulations that protect youth; and

**WHEREAS**, the latest tobacco industry tactic is to design new, cheap, youth-friendly tobacco products that can be used "anytime, anywhere" – like smokeless and candy-flavored dissolvable tobacco sold in packages that look like products familiar to young people such as mints, gum or other non-tobacco products; and

**WHEREAS**, the tobacco industry is selling these new products in small sizes and at low prices that attract young people; and

**WHEREAS**, cigar smoking, including small flavored cigars, is the second most common form of tobacco use among youth<sup>i</sup>, and cigar smokers have much higher rates of lung cancer, heart disease, and heart attacks than non-smokers<sup>ii</sup>; and

**WHEREAS**, the five largest tobacco companies have spent record amounts of money in the United States on smokeless tobacco advertising and promotions: \$354.12 million in 2006 and \$250.79 million in 2005<sup>iii</sup>; and

**WHEREAS**, the promotion of cheap, flavored tobacco products to young people puts them at high risk of a lifetime of addiction to nicotine, disease and drug use; and

**WHEREAS**, adolescents who use smokeless tobacco are more likely to become cigarette smokers<sup>iv</sup>, and 7,200 youths become smokers in Massachusetts each year<sup>v</sup>;

**THEREFORE, BE IT RESOLVED**, that the Lynn City Council is committed to protecting young people from Lynn and across Massachusetts from tobacco industry tactics by supporting actions to restrict access to cheap, flavored tobacco products in our community.

**Councillor Crighton 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 Resolution to Protect Young People from the Tobacco Industry.**

**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 Trahant and seconded by Councillor Cyr to suspend the rules to present a Citation to Walter Proodian for his dedicated service as a member of the Pine Grove Cemetery Commission for forty-seven (47) years.**

**Motion made by Councillor Ford and seconded by Councillor Trahant to suspend the rules so that Councillor Ford could give an update on finding a location for the Rivera Boxing Club.**

**Motion made by Councillor Ford and seconded by Councillor Trahant to request the EDIC Director and the OECD Director to assist the Rivera Boxing Club in finding a location in the City of Lynn.**

**Motion carried.**

## **PUBLIC HEARINGS:**

Petition of National Grid, Philip Courcy, for the installation of 3650' ± of 12-5" and 1525' ± of 6-5" PVC-EB conduit and miscellaneous underground equipment on Union Street.

The following appeared in Favor:

Phil Courcy, National Grid.

The following appeared in Opposition:

John Flynn, Lynn Community Health Center stated he was not in opposition, however, he did have some questions regarding the project.

Public Hearing Closed.

**Motion made by Councillor Colucci and seconded by Councillor Cyr to TABLE.**

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

**11 YES 0 NO**

Petition of Verizon, Robert Grassia, for permission to relocate one pole, wires, cables and fixtures, including the necessary anchors, guys and or such sustaining and protecting fixture to be owned and used in common along Bailey Street, for service at #52 Bailey Street, and to lay and maintain underground laterals, cables and wires in the above or intersection public ways for the purpose of making connections with such pole and building.

The following appeared in Favor:

Joseph Gleason, Verizon

No one appeared in Opposition.

**Motion made by Councillor Lozzi and seconded by Councillor Trahan to TABLE.**

**Motion carried.**

## **PUBLIC HEARINGS TO BE SET DOWN:**

-Petition of Flowers by Lorraine, James Keighley, for permission for a sign permit at 541-543 Boston Street. (Ford)

-Petition of Lynnway Motor Sales, J. Ronald Costa, for permission for a Class II License at 299-309-315 Lynnway. (Capano)

-Petition of Veterans of Foreign Ward, Post 507, John Hartley, Attorney, for permission to transfer location of VFW post from original location at 90 High Rock Street with All Alcohol Club License to 35 Lynnfield Street. (Lozzi)

**Motion made by Councillor Crowley and seconded by Councillor Colucci to set down for Public Hearings.**

**Motion carried.**

## **UNFINISHED BUSINESS:**

### **Finance Committee (From the Meeting of February 22, 2011):**

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

**Motion made by Councillor Crowley and seconded by Councillor Colucci to Grant.**

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

**11 YES 0 NO**

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) as allotted to the City of Lynn by the COPS Hiring Recovery Program (CHRP) to fund nine patrol officers for a period of three years.

**Motion made by Councillor Crowley and seconded by Councillor Colucci to Grant.**

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

**11 YES 0 NO**

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.

**Motion made by Councillor Crowley and seconded by Councillor Colucci to Grant.**

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

**11 YES 0 NO**

## **COMMITTEE REPORTS:**

### **Report of the March 8, 2011 Committee on Public Safety Committee recommending the following to be accepted:**

The following individuals were approved as constables:

John Ruehrwein, 32 Pine Street, Wakefield - **Granted**

Edward Nunez, 102 South Street, Lynn – **Granted**

Discussion re: Shopping Cart Ordinance – **After lengthy discussion, the Chambers agreed to schedule a follow-up meeting and invite Committee Members.**

**REPORT ACCEPTED.**

**Report of the March 8, 2011 Committee on Minor Licenses recommending the following to be accepted:**

**TAXI OPERATORS (NEW)**

Joseph, Jean, 863 Salem St. Malden  
 Koch, Jerry, 208 Washington St. #304  
 Nina, Rafael, 71 Harwood St. #11 -60 day review  
 Nova R., Felix, 23 Nahant St.  
 Piscia, Gregory, 11 Beach Rd. #12 – 90 day review  
 Rand, Christian, 6 Oak St.  
 Thurell, Jennifer Lee, 17 Pinkham St. #2

**LIVERY OPERATORS (NEW)**

Joseph, Jean, 863 Salem St. Malden  
 Rand, Christian, 6 Oak St.

**LIVERY SERVICE BUSINESS (NEW)**

Islande Transportation, Kevin Bascomb, 8 French St.

**RENEWAL SECOND HAND**

204 Essex St., Continental Unicom & Communication  
 810 Lynnway, Lynnwireless

**CANNING:**

Lynn High Schol Band Boosters (Adults Only) – April 15-17, 2011

**DISCUSSION**

Taxi Medallion Lease Agreement-Garcia Taxi

**OTHER BUSINESS:**

**REPORT ACCEPTED.**

**Report of the March 8, 2011 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 Reserve Fund:

To the Account of Parking Expense: \$31,000.00

**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 Parking Expense in the amount of \$31, 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:**

**11 YES 0 NO**

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

**11 YES 0 NO**

From the Account of Reserve Fund:

To the Account of Parking Care of Dogs Expense: \$16,000.00

**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 Parking Care of Dogs Expense in the amount of \$16,000.00.**

**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:**

**11 YES 0 NO**

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

**11 YES 0 NO**

From the Account of Reserve Fund:

To the Account of Parking Abandoned Vehicles Expense: \$1,000.00

**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 Parking Abandoned Vehicles Expense in the amount of \$1,000.00.**

**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:**

**11 YES 0 NO**

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

**11 YES 0 NO**

From the Account of the Reserve Fund:

To the Account of GAR Expense: \$3,500.00

**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 GAR Expense in the amount of \$3,500.00.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following ye and nay vote:**

**11 YES 0 NO**

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

**11 YES 0 NO**

From the Account of Parking Meter Receipts:

To the Account of Parking Expenses: \$8,560.00

**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 Parking Meter Receipts to the Account of Parking Expense in the amount of \$8,560.00.**

**THEREFORE BE IT VOTED BY THE LYNN CITY COUNCIL THAT THE FOREGOING CONSTITUTES AN EMERGENCY.**

**Emergency Preamble was adopted by the following ye and nay vote:**

**11 YES 0 NO**

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

**11 YES 0 NO**

**REPORT ACCEPTED.**

### **NEW BUSINESS:**

**Motion made by Councillor Duffy and seconded by Councillor Cahill to establish a committee or use existing committees to set up meetings to meet with the Mayor and/or Department Heads, in order to keep abreast of current issues and to improve the lines of communication between Departments and the City Council, possibly on a monthly basis.**

**Motion carried.**

**Motion made by Councillor Crighton and seconded by Councillor Cyr to request that the School Committee notify the Lynn Public High Schools of an ongoing Youth Civics & Politics Initiative, currently underway at North Shore Community College on Wednesdays, from 5:45 pm to 6:45 pm in Room W2D4 and to extend an invitation to all Juniors and Seniors to attend for discussion on politics and government.**

**Motion carried.**

**Motion made by Councillor Colucci and seconded by Councillor Capano to adjourn.**

**MEETING ADJOURNED.**

**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**

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<sup>i</sup> U.S. Centers for Disease Control & Prevention (CDC), "Youth Risk Behavior Surveillance, United States, 2007," *Morbidity and Mortality Weekly Report (MMWR)* 55(SS-4), June 6, 2008.

<sup>ii</sup> Baker, F, et al., "Health Risks Associated with Cigar Smoking," *Journal of the American Medical Association* 284(6):735-740, 2000; NCI, *Cigars: Health Effects and Trends*, 1998.

<sup>iii</sup> Federal Trade Commission. *Smokeless Tobacco Report for the Year 2006*. Washington, DC: Federal Trade Commission; 2009 [accessed 2009 Aug 24].

<sup>iv</sup> National Cancer Institute. *Smokeless Tobacco or Health: An International Perspective* Exit Notification/Disclaimer Policy. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute; 1992 [accessed 2009 Feb 9].

<sup>v</sup> New underage daily smoker estimate based on data from U.S. Dept of Health and Human Services (HHS), "Results from the 2007 National Survey on Drug Use and Health," with the state share of national initiation numbers based on CDC data on future youth smokers in each state compared to national total.