

## Agenda



May 8, 2012

Roll Call  
Moment of Silence  
Pledge of Allegiance

### **COMMUNICATIONS:**

Her Honor the Mayor:

*Dear Councilors:*

*I am hereby appointing Ms. Linda Carbone, 196 Locust Street, Unit 705, to the Lynn Municipal Finance Corporation to replace expired member James McLaughlin. Ms. Carbone's term is effective immediately and will expire on September 1, 2014.*

*Sincerely, Judith Flanagan Kennedy, Mayor*

### **PUBLIC HEARINGS:**

An Ordinance Proposed Recodifying the City of Lynn Zone Ordinance.

Petition of Seattle Lobster Company, Colin Reid, for permission for the packing of live lobster for shipment out of Logan Airport at 271 Western Avenue (211c). (Lozzi)

Petition of Lynn Auditorium, James Marsh, Community Development, for permission for Wine & Malt Beverage License at 3 City Hall Square. (Crighton)

Petition of BSJ Auto Center, Cesar Felix Vidal, for permission for auto repair w/Flammables at 22-28 Oakville Street from 8 a.m – 8 p.m..  
(Capano)

Petition of Fiesta Shows, Eugene J. Dean, for permission for a Carnival Fundraiser for 4<sup>th</sup> of July Fireworks at Keaney Park @ Lynn English on Fri-July 6 through Sun July 8, with set up on July 5, 2012. (Trahan)

Petition of Lynnway Auto Sales, Richard Aswad, Trustee, for permission for Sales room for motor vehicles and Auto repair/body shop with flammable. at 461 Broad Street & Pleasant Street. (Capano)

Petition of Lynnway Auto Exchange, LLC James Lamb, George Russo, Robert Brest, for permission for a Class II Dealers License to sell second hand motor vehicles with auto repair and flammables at 270 South Common Street. (Capano)

Petition of Tacos Martinez, Rafael Martinez for a Catering Truck to be parked in lot only at 810 Lynnway. (Building 19) (Capano)

Petition of Albert Kemperle, Inc., Brian Gear, for permission for a sign permit at 1073R Western Avenue. (Capano)

Petition of Neighborhood Development Associates, Inc., Oliver Toomey, Clerk, for permission for allow the construction of four single family dwellings in a business district (Lesser use) at Summer and Morris Street. (Ford)

### **Anthony's Hawthorne Property Update**

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

### **UNFINISHED BUSINESS:**

From Ways & Means Meeting of April 24:

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.

Nextera – Council Recommendation

**COMMITTEE REPORTS:**

Audit Committee  
License Committee  
Ordinance Committee  
Finance Committee

**NEW BUSINESS:**