

CITY OF LYNN

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

Ten Councillors Present (Councillor Colucci absent).

Moment of Silence.

Pledge of Allegiance.

Motion made by Councillor Crowley and seconded by Councillor Cahill to accept the Meeting Minutes of February 22, 2011.

Motion carried.

COMMUNICATIONS:

Motion made by Councillor Crowley and seconded by Councillor Cyr to suspend the rules to appoint John Pace, 84 Carter Road, Lynn, MA to the Pine Grove Cemetery Commission.

Motion carried by the following yea and nay vote:

10 YES 0 NO (Councillor Colucci absent).

Motion made by Councillor Trahan and seconded by Councillor Cyr to suspend the rules to present Harold Samuelson a Citation for his eighteen (18) years of dedicated service on the Pine Grove Cemetery Commission.

Motion made by Councillor Capano and seconded by Councillor Crowley to suspend the rules to grant the Resolution Councillor Capano filed in Ways and Means:

1. Councillor Capano:

RESOLUTION:

Whereas, unions have historically helped bring economic and social democracy to American society.; and

Whereas, the City of Lynn, wishing to promote respect for human rights, including workers' freedom to form unions and bargain collectively without employer interference; and having a history of support for freedom to form unions and the important public benefits inherent in collective bargaining ; and

Realizing that failure to protect freedom to form unions is exacting a heavy health, economic, social and political price from workers and communities throughout our city, Commonwealth and nation, including but not limited to increased risk to workplace health and

safety hazards resulting in increased injuries and illnesses, suppressed wages, decreased job quality and worsened economic inequality; and Knowing that protecting the freedom to form unions is also vital to public health- because union members are far more likely than non-union workers to have adequate health insurance coverage; because where workers have greater freedom to form unions, more people-union and non-union alike- have effective health and safety programs to resolve hazards in the workplace, health insurance, the quality of care is higher, and health outcomes are better; because health care workplaces where workers have greater freedom to form unions deliver better quality care; and because protecting freedom to form unions is essential for generating political support for urgently needed public health policies that best meet the needs of the individuals served; now,

THEREFORE, Be It Resolved that the Lynn City Council

1. Supports the rights of workers to organize and bargain collectively;
2. Calls upon employers to:
 - a. Recognize the rights of those who work for them either directly or indirectly, under contractual arrangements for services, to be treated with dignity, to be paid a living wage and to work in a healthy, safe and secure workplace;
 - b. Allow their employees to choose freely whether to unionize or not, without intimidation or coercion;
 - c. Abide by their employees' decision when a majority indicates that it supports union representation; and
 - d. Refrain from abusing National Labor Relations Board elections and appeals by using them as means for delaying or avoiding representation for their employees;
3. Calls upon the U.S. government to amend the National Labor Relations Act to:
 - a. Provide for increased penalties for the commission of unfair labor practices;
 - b. Ensure timely conduct of elections following the filing of representation petitions by relegating issues to post-election proceedings whenever possible; and
 - c. Ensure that employers and labor organization representatives have equal access to potential members of a bargaining unit during representation election campaigns.
4. Call upon the U.S. government to enforce existing OSHA regulations and increase penalties for OSHA violations; and
5. Address specific labor issues on the state level by:

b. Supporting enforcement of state labor laws to provide organizing and collective bargaining rights for health care workers in our Commonwealth; and

c. Affirming support for the organizing and collective bargaining rights of state employees.

Be it Further Resolved that the City of Lynn will share this resolution with organizations known to be forming unions.

Councillor Capano 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 supporting the rights of workers to organize and form a union.

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 Colucci absent).

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

10 YES 0 NO (Councillor Colucci absent).

PUBLIC HEARINGS TO BE SET DOWN:

Petition of Eugene J. Dean, Fiesta Shows for a Carnival Fundraiser for the 4th of July Fireworks Fund at Lynn Tech Field for Sunday, April 17 to April 24. (Ford)

Motion made by Councillor Ford and seconded by Councillor Lozzi to set down for Public Hearing.

Motion carried.

UNFINISHED BUSINESS:

Motion made by Councillor Lozzi and seconded by Councillor Trahan to remove from the Table and Grant the Petition of Verizon, Robert Grassia, for permission to locate 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 for #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 buildings.

Motion carried by the following yea and nay vote:

10 YES 0 NO

COMMITTEE REPORTS:

Report of the March 22, 2011 Committee on Ways and Means recommending the following to be accepted:

Councilor Ford:

ORDERED that her Honor the Mayor be hereby authorized to execute a Memorandum of Understanding between the Family and Child Service of Greater Lynn, Inc. and the City of Lynn acting through its Department of Parks and Recreation.

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 that her Honor the Mayor be hereby authorized to execute a Memorandum of Understanding between the Family and Child Service of Greater Lynn, Inc. and the City of Lynn acting through its Department of Parks and Recreation.

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 Colucci absent).

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

10 YES 0 NO (Councillor Colucci absent).

Councillor Capano:

Ordered that the City Solicitor's Office draft a License Agreement permitting Lynnway Auto Auction, Inc., to utilize a portion of the Harding Street abandoned vehicle lot. Said License Agreement shall be revocable at the will of the City of Lynn. It is further ordered that Her Honor the Mayor may execute said License on behalf of the City of Lynn.

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 that the City Solicitor's Office draft a License Agreement permitting Lynnway Auto Auction, Inc., to utilize a portion of the Harding Street Abandoned Vehicle Lot. Said License Agreement shall be revocable at the will of the City of Lynn. It is further ordered that her Honor the Mayor may execute said License on behalf of the City of Lynn. 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 Colucci absent).

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

10 YES 0 NO (Councillor Colucci absent).

Councilor Trahant: Recommends that the Lynn City Council be requested to set down a Public Hearing relative to a burnt, dilapidated or dangerous building or other structure located at 226 Western Avenue and, after hearing, may make record an order adjudging it to be a nuisance to the neighborhood or dangerous and prescribing to its disposition, alteration, or regulation all as authorized by Massachusetts General Laws, Chapter 139, Section 1. – **Granted**

REPORT ACCEPTED.

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

TAXI OPERATORS (NEW)

Bottari, Jody, 48 Harbor St. Salem - **Granted**

Close, Luther, 66 So. Elm St. - **DENIED**

Dumy, Joseph, 461 Eastern Ave. - **Granted**

Estabrook, Lance, 1216 The Heights at Cape Ann, Gloucester - **DENIED**

Hamilton, Joseph, 80 Silsbee St. 202- **Granted**

Nerys, Luis, 55 Harvest St. – **Granted w/stipulation he changes his address on license**

Nova R., Felix, 23 Nahant St. TABLED 3/8/11 – **Granted w/stipulation he changes his address on his license.**

Rand, Christian, 6 Oak St. TABLED 3/8/11- **Granted**

Rodriguez, Zenon, 31 Beach Rd.- **Granted w/stipulation he changes his address on his license.**

Sacco, Michael, 39 Cottage St.-30 day review- **Granted**

LIVERY OPERATORS (NEW)

Anderson, Alexis, 32 Shepard St. - **Granted**

Estabrook, Lance, 1216 The Heights at Cape Ann, Gloucester - **DENIED**

Nerys, Luis, 55 Harvest St. - **Granted**

Rand, Christian, 6 Oak St. TABLED 3/8/11- **Granted**

RENEWAL JUNK DEALER

225 Commercial Street, Turner Inc. - **Granted**

AUTO BODY, AUTO REPAIR, FLAMMABLE – RENEWAL

17C Alley St. – Alley Auto Body & Repair- **Granted**

AUTO REPAIR, FLAMMABLE- RENEWAL

161 Chestnut St. – Haider Five Enterprises, Inc. - **Granted**

159 Commercial St. – Cabrera Auto Repair- **Granted**

905 Western Ave. – S & S Auto Repair- **Granted**

FLAMMABLE – RENEWAL

2 Western Ave. – Dom’s Oil Co. - **Granted**

AUTO REPAIR, FLAMMABLE – NEW

1071 Western Ave. – LG Auto Repair

6 MONTH REVIEW AUTO REPAIR, FLAMMABLE

119 Essex St. – Jerry’s Auto Care, Inc. - **Granted**

CANNING: (TABLED AT FEBRUARY 15, 2011 MEETING):

Phunk Phenomenon Girls Dancers (Adults Only) – April 10, April 13, April 14, April 27, May 22, July 23, 2011(see discussion)

Phunk Phenomenon Boys Dancers (Adults Only) – May 1, May 18, May 25, July 8, July 9, July 10, 2011 (see discussion)

DISCUSSION: Councillor Lozzi stated that he is in favor of youth groups canning, however he felt 12 days were too many. Chairman Trahan passed the gavel. He asked how many of the youth were from Lynn and was told seven. He stated that he has received complaints regarding the canning in Wyoma Square and felt it was unfair to approve 12 days for one group. He stated that there were two youth groups on the agenda and they were asking for three days each. Ms. Auger (representing Phunk Phenomennon) asked if she could have four days. Councillor Cyr stated that where this group was not a Lynn-based group but had youth from Lynn in their organization, he felt three days of canning in Wyoma Square was fair. Motion made by Councillor Lozzi and seconded by Councillor Cyr to approve July 8, 9, 10, 2011. Motion carried.

Wyoma Little League (Adults Only) – April 28, 29, 30, 2011 - **Granted**

Pine Hill Little League (Adults Only) – June 2, 3,4, 2011 - **Granted**

OTHER BUSINESS: Taxi Medallion Lease Agreement between DCBA Transportation (Garcia's Taxi) and Randy Rosa for Medallions #15 and #16 – **Attorney L'Esperance spoke on behalf of Randy Rosa and Pelagio Bratini. Motion made by Councillor Lozzi to approve the lease of Medallion #15 and Medallion #16 from DCBA Transportation d/b/a Garcia Taxi to Amigos Taxi, 127 Commercial Street. Motion carried. REPORT ACCEPTED.**

Report of the March 22, 2011 Committee on Public Property recommending the following to be accepted:

Discussion re: Request from Julienne Muteba to redeem property at 15-19 South Street, Unit 19-2. – **Tabled.**

Request from All Care Hospice to hang a "Volunteer" banner in the vicinity of the Pond on Broadway during the month of April. - **Granted**
REPORT ACCEPTED.

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

Ordered that the City Comptroller be and authorized to make the following Appropriation Transfer:

From the Account of Reserve Fund:	
To the Account of Comptrollers' Payroll:	\$21, 000.00
(Tabled)	

From the Account of Inspectional Services Payroll:	
To the Account of Inspectional Services Expense:	\$65,500.00

Councillor Crowley 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 Inspectional Services Payroll to the Account of Inspectional Services Expense in the amount of \$65,000.00.

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:

10 YES 0 NO (Councillor Colucci absent).

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

10 YES 0 NO (Councillor Colucci absent).

From the Account of Reserve Fund:

To the Account of Inspectional Services Expense: \$50,000.00

Councillor Capano 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 Inspectional Services Expense in the amount of \$50,000.00.

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:

10 YES 0 NO (Councillor Colucci absent).

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

10 YES 0 NO (Councillor Colucci absent).

Ordered that funds from Executive Office of Energy and Environmental Affairs awarded to the Office of Economic & Community Development be approved as an “available fund” in the amount of \$479,700 for High Rock Reservation.

Councillor Capano 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 funds from Executive Office of Energy and Environmental Affairs awarded to the Office of Economic & Community Development be approved as an “available fund” in the amount of \$479,700 for High Rock Reservation.

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 Colucci absent).

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

10 YES 0 NO (Councillor Colucci absent).

Ordered that funds from Executive Office of Energy and Environmental Affairs awarded to the Office of Economic & Community Development be approved as an “available fund” in the amount of \$475,300 for Flax Pond Park.

Councillor Capano 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 funds from Executive Office of Energy and Environmental Affairs awarded to the Office of Economic & Community

Development be approved as an “available fund” in the amount of \$475,300 for Flax Pond Park.

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 Colucci absent).

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

10 YES 0 NO (Councillor Colucci absent).

REPORT ACCEPTED.

NEW BUSINESS:

Councilor Duffy requested an update on the establishment of a subcommittee to meet with Department Heads on a regular basis. Council President Phelan informed him that new Committee assignments will be coming within the next week.

Council Cahill requested that the Council President establish a subcommittee to include the Councillors-At-Large to facilitate the re-precincting that is in the early stages, following the 2010 Federal Census.

Motion made by Councillor Colucci and seconded by Councillor Lozzi 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