

CITY OF LYNN

**Regular City Council Meeting, April 24, 2012
Council President Timothy Phelan Presiding**

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

**Motion made by Councillor Colucci and seconded by Councillor Capano to accept the Meeting Minutes of March 27, 2012 and April 10, 2012.
Motion carried.**

Motion made by Councillor Cyr and seconded by Councillor Barton to suspend the rules to present a Council Citation to Command Sergeant Major George Keith Waters on his recent retirement from the U.S. Military after thirty years of dedicated service to our country and the American people.

PUBLIC HEARINGS:

Petition of Fiesta Shows, Eugene Dean, for permission for a Carnival Fundraiser for 4th of July Fireworks on May 9-13, 2012 with setup May 7, 2012 at Lynn Tech Field.
No one appeared in Favor.
No one appeared in Opposition.
Public Hearing Closed.

Motion made by Councillor Capano and seconded by Councillor Ford to grant the prayer of the Petitioner.

**Motion carried by the following yea and nay vote:
11 YES 0 NO**

UNFINISHED BUSINESS:**Public Property Committee Meeting of April 10, 2012:**

ORDERED that the City of Lynn accept a Deed for the property located at 38 Rockaway Street from the Bank of New York and/or Bank of America provided that

prior to the transfer Ms. Wendy Joseph and Mr. Stefan Wuensch execute an agreement with the City of Lynn with substantially the following terms as approved by the City Solicitor's Office:

1. Ms. Wendy Joseph and Mr. Stefan Wuensch agree to submit a bid upon the property when the City of Lynn places the property out to bid and/or seeks Requests for Proposals.
2. The Bids or Requests for Proposals will require the successful bidder to demolish the property at 38 Rockaway within five years of the transfer.
3. Te Requests for Proposals will be limited to direct abutters of 38 Rockaway Street.
4. The Bid or Requests for Proposal will require the successful bidder to remain current on al taxes for 38 Rockaway Street at all times prior to the demolition of the property.
5. In the event that the successful bidder does not demolish the building at 38 Rockaway within five years of the date of transfer, the property immediately reverts back to the City of Lynn and the successful bidder is obligated at their own expense to reconnect all gas, water and sewer utilities to 38 Rockaway through an Easement of Necessity s established by a Judicial order of Judge Robert Cornetta in a civil action Bank of New York Mellon v. The City of Lynn, Essex Superior Court Civil Action No: 2011-729B
6. In the event that the successful bidder does not remain current with his/her municipal property taxes for 38 Rockaway Street, the property immediately reverts back to the City of Lynn and the successful bidder is obligated at their own expense to reconnect all gas, water and sewer utilities to 38 Rockaway through an Easement of Necessity s established by a Judicial order of Judge Robert Cornetta in a civil action Bank of New York Mellon v. The City of Lynn, Essex Superior Court Civil Action No: 2011-729B
7. The successful bidder is obligated to pay all costs and attorneys' fees incurred by the City of Lynn if it is required to enforce any provisions of the terms of Requests for Proposals and Deed prepared by the City of Lyn Solicitor's Office.
8. The successful bidder shall maintain the property in compliance all state and municipal codes or ordinances.
9. Following the demolition of the building at 38 Rockaway Street, the property is restricted to be used only for landscaping and parking.

**Motion made by Councillor Colucci and seconded by Councillor Cahill to grant.
Motion carried by the following yea and nay vote:**

11 YES 0 NO

Finance Committee Meeting of April 10, 2012:

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

From the Account of Reserve Fund:

To the Account of Unpaid Bills of Prior Years: \$3,708.00

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

Motion carried by the following yea and nay vote:

11 YES 0 NO

Motion made by Councillor Cyr and seconded by Councillor Trahan to remove from the table the Petition of National Grid, Jason Dwyer, for permission to install conduit as follows: Beginning at a point approximately 10' Northeast of the centerline of the intersection of Spring Street and continuing approximately 6400' in a northeasterly direction, to install approximately 6300 feet of 12-5' and approximately 938 feet of 6-5' PVC-EB conduit and miscellaneous underground equipment and the installation of 16 manholes at Broad, Lewis, Ocean, New Ocean, Carroll, Exchange, Silsbee Streets and Eastern Avenue.

Motion made by Councillor Cyr and seconded by Councillor Trahan to grant with the following stipulations attached to the Special Permit and Meeting Minutes.

COMMITTEE REPORTS:

Report of the April 24, 2012 Committee on Minor Licenses recommending the following to be accepted:

TAXI OPERATORS (NEW)

Contreras, Diogenes, 48 Essex St. #2-60 day review - **Granted**

David, Janey E., 209 Curwin Cir.-tabled 4/10/12 - **Granted**

Marren, David, 7 Southside Ave-30 day review - **Granted**

Rodriguez, Jose J. 102 Walnut St. #2 Revere-30 day review - **Granted**

PUBLIC HEARING-COMPLAINT-TAXI OPERATOR

Bingham, Joseph T. Sr., 58 Broad St. #2 - **Tabled to next meeting for witnesses.**

LIVERY OPERATORS (NEW)

Mouhah, Mohammed, 44 Merrill Ave- **Granted**

Venezia, Leticia, 95 Ashland St. - **Granted**

TAXI SERVICE (TRANSFER)

All City Cab, 271 Western Ave.(formerly 82 SandersonAve.) from Dale Latorella to Michael Cole-90 day review- **Granted**

AUTO REPAIR/FLAMMABLE (NEW)

77 Marion St. – Federal St. Corp. - **Granted**

CLASS II AUTO DEALER /AUTO REPAIR/FLAMMABLE, (RENEWAL)

106 Chestnut St. – Kevin Auto Sales & Repair

AUTO BODY/AUTO REPAIR/FLAMMABLE (RENEWAL)

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

35B Alley St. – K & J Auto Body- **Granted**

178 Alley St. – Collision Auto Craft and Repair- **Granted**

100 Buffum St. – U.S. Postal Service Vehicle Maintenance Facility- **Granted**

443 Lynnway – Lynnway Auto Service, Inc. - **Granted**

154 South St. – Bill & Son Auto Body- **Granted**

AUTO REPAIR/FLAMMABLE (RENEWAL)

15R Alley St. – K & M Transmission- **Granted**

17A Alley St. – ARM Garage- **Granted**

182 Alley St. – Tom’s Taxi- **Granted**

87 Bennett St. – West Lynn Auto Service- **Granted**

606 Boston St. – Solutions Auto Repair- **Granted**

307 Eastern Ave. – Ed Fleming’s Garage- **Granted**

12A Ellis St. – Mora Auto Repair- **Granted**

287 Essex St. – Essex Auto Repair- **Granted**

FLAMMABLE (RENEWAL)

31 Collins St. Terr. – Delulis Brothers Construction- **Granted**

101 Harbor St. – All Welding Supplies, Inc. - **Granted**

525 Lynnway – Spiro’s- **Granted**

535 Lynnway – Nouria Energy #04032 dba Lynnway Shell- **Granted**

700 Lynnway – Mobil- **Granted**

700 Lynnway – Sonny’s Car Wash- **Granted**

780 Lynnway – Wal-Mart Store #2139- **Granted**

154 Pleasant St. – C. Bain, Inc. - **Granted**

149 Walnut St. – Malam Corp. dba Richdale Convenience Store- **Granted**

240 Western Ave. – Gibb’s Oil Company Limited Partnership- **Granted**

CANNING:

Lynn Classical Baseball Program (Adults Only) – April 29, 2012- **Granted**

OTHER BUSINESS:

REPORT ACCEPTED.

Report of the April 24, 2012 Committee on Ways and Means recommending the following to be accepted:

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.

**HOME RULE PETITION RELATIVE TO ADJUSTMENT OF DISABILITY
RETIREMENT BENEFITS TO LYNN POLICE OFFICER GREGORY 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 his group, his retirement shall be converted to the superannuation retirement benefit calculated under provisions in Section 5 of Chapter 32 of the General Laws, 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.

Councillor Cahill 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 Home Rule Petition/LeBlanc.

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 Barton ABSTAINED)

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

10 YES 0 NO (Councillor Barton ABSTAINED).

REPORT ACCEPTED.

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. **(Lays over to May 8, 2012).
REPORT ACCEPTED.**

Report of the April 24, 2012 Committee on Finance recommending the following to be accepted:

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

From the Account of Excess Workers Compensation:

To the Account of Workers Compensation Benefits: \$300,000.00

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 Excess Workers Compensation to the Account of Workers Compensation Benefits in the amount of \$300,000.00.

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 Excess Workers Compensation:

To the Account of Workers Compensation Insurance Premiums: \$20,000.00

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 Excess Workers Compensation to the Account of Workers Compensation Insurance Premiums in the amount of \$20,000.00.

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 Fire Department Overtime: \$50,000.00

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 Fire Department Overtime 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:

11 YES 0 NO

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

11 YES 0 NO

REPORT ACCEPTED.

NEW BUSINESS:

Motion made by Councillor Cyr and seconded by Councillor Barton for the Lynn City Council to forward a Letter to the Lynn School Committee in support of the performance and ability of Dr. Catherine Latham in her position as Superintendent of Schools.

Motion carried.

Presentation by Nextera.

Motion made by Councillor Cahill and seconded by Councillor Net to set down on the Agenda discussion regarding Nextera at which time a recommendation may be made to authorize the Mayor to enter into negotiations with Nextera relative to a Municipal Aggregation Pilot Program with the condition of City Council approval.

Motion carried.

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

Council Orders:

- 1. Councilor Tran: Recommends that the Lynn City Council set down for Public Hearing a proposed Ordinance for a teen Social Club.**

SECTION 1:00 Definitions.

Establishment which provides entertainment or social activities primarily to teenagers of the ages restricted by the City of Lynn Curfew Ordinance of the City of Lynn regardless of whether such establishment is conducted, operated or maintained for a profit; "teen social club" does not include movie theaters, amusement parks or a sporting event or facility.

(b) "Advertise" shall mean promotional signs on the premises, off-premise signs and any written, live, For the purposes of this Ordinance, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by context:

(a) "Teen social club" shall mean any business establishment which advertises itself, holds itself out to the public as, or is operated primarily as a "Teen Club", "Teen Dance Club", and/or any businessvideotaped or audiotaped promotional presentations for the business establishment which feature or promote the attendance of teenagers.

(c) "Alcoholic beverages" shall mean beer or other beverages of like alcoholic content regulated by M.G.L. c. 148.

(d) "Curfew Ordinance" shall mean City of Lynn Municipal Code, Chapter 9.28.

SECTION 1:00 Definitions.

For the purposes of this Ordinance, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by context:

(a) "Teen social club" shall mean any business establishment which advertises itself, holds itself out to the public as, or is operated primarily as a "Teen Club", "Teen Dance Club", and/or any business establishment which provides entertainment or social activities primarily to teenagers of the ages restricted by the City of Lynn Curfew Ordinance of the City of Lynn regardless of whether such establishment is conducted, operated or maintained for a profit; "teen social club" does not include movie theaters, amusement parks or a sporting event or facility.

(b) "Advertise" shall mean promotional signs on the premises, off-premise signs and any written, live, videotaped or audiotaped promotional presentations for the business establishment which feature or promote the attendance of teenagers.

(c) "Alcoholic beverages" shall mean beer or other beverages of like alcoholic content regulated by M.G.L. c. 148.

(d) "Curfew Ordinance" shall mean City of Lynn Municipal Code, Chapter 9.28.

(e) "Entertainment and social activities" shall mean activities at establishments which feature live music for attendance by teenagers, activities at establishments which feature recorded music activities attended by teenagers, and activities at establishments which provide dancing activities for teenagers.

(f) "Licensed premises" shall include the building or facility in which the teen social club is located and any parking area provided by the establishment for its patrons.

(g) "Teenager" shall mean a person age thirteen up to age eighteen.

SECTION 2:00 License Application

Any teen social club located within the City of Lynn shall obtain a license for continued business operation from the Lynn City Council which shall be displayed in a conspicuous public place in the teen social club within 30 days after the effective date of this ordinance. Any operator of a teen social club desiring to obtain a license shall make application to the City Clerk's Office and shall pay an annual license fee to the City of \$50.00. The failure to obtain a license pursuant to this section shall constitute a violation of this ordinance and is subject to the civil penalties in the amount of three hundred (\$300.00) dollars).

SECTION 3:00 Location restrictions.

No part of the licensed premises of a teen social club operating within the City of Lynn shall be located within five hundred feet (500') of the nearest property line of any property on which alcoholic beverages are served.

SECTION 4:00 Revocation of license or permit.

(a) The Lynn City Council shall revoke a license granted to any teen social club for any of the following reasons:

- (1) The operator, or any employee of the operator, violates any provision of this Article, provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the City Council shall find that the operator had no actual or constructive notice of such violation and could not, by the exercise of due diligence, have had such actual or constructive knowledge.
- (2) Any intoxicating liquor, cereal malt beverage, narcotic or controlled substance is allowed to be sold or consumed on the licensed premises.
- (3) Any operator allows continuing violations of the rules and regulations of the City of Lynn Health Department.
- (4) More than five violations of the Curfew Ordinance occur on the licensed premises in a twelve-month period.
- (b) Before revoking or suspending the license of any teen social club, the City Council shall give written notice to the person or company in whose name such license is issued notifying such license holder of the charges against the teen social club and setting a hearing date not less than five (5) business days in advance in which the licensee may appear and be heard. The decision of the City Council shall be final.

SECTION 5:00 Hours of Operation;
Inspection by Police Department.

- (a) Teen social clubs shall be closed between the hours of eleven o'clock (11:00) p.m. to six o'clock (6:00) a.m. provided that on Friday and Saturday nights such clubs may remain open until twelve o'clock (12:00) midnight, and provided further that on Sunday mornings such clubs shall be closed until twelve o'clock (12:00) noon.

(b) Teen social clubs shall be open to inspection at all reasonable times by any officer of the City of Lynn Police Department.

SECTION 6:00 Responsibilities of Operators; exemptions; identification of minors.

(a) No teen social club within the City of Lynn shall allow a teenager under the age of 16 years to enter the licensed premises during any hours in violation of the Curfew Ordinance.

(b) No teen social club within the City of Lynn shall allow any teenager under the age of 16 years to remain on the licensed premises during any hours in violation of the Curfew Ordinance.

(c) All teen social clubs shall post in a visible location at the entrance and inside the establishment upon signage approved by the Chief of Police the applicable curfew hours for teenagers as specified by the Curfew Ordinance.

(d) All operators of teen social clubs shall be personally responsible and vicariously liable without proof of intent for any violations of the Curfew Ordinance occurring during any hours of operation during which teenagers would be prohibited from being present on the licensed premises under the provisions of the Curfew Ordinance.

(e) The following are exceptions to the operation of the Curfew Ordinance:

(1) At any time if a minor is accompanied by such minor's parent or legal guardian;

(2) When accompanied by a person age eighteen (18) or over authorized by a parent or guardian of such minor to take such parent or guardian's place in accompanying the minor for a designated period of time and purpose within a specified area;

(3) If the minor is legally employed for the period from forty-five (45) minutes before to forty-five (45) minutes after work while going directly between the minor's home and place of employment. This exception shall also apply if the minor is in a public place during curfew hours in a course of the minor's employment. To come within this exception, the minor must be

carrying written evidence of employment which is issued by the employer;

(4) When returning home by direct route from and within thirty (30) minutes of the termination of a school activity or an activity of a religious organization or a place of entertainment open to the public at large such as a movie, play or sporting event. This exception shall not apply beyond one o'clock (1:00) a.m.

(5) In the case of reasonable necessity, but only after such minor's parent has previously communicated to law enforcement personnel the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose, including place or origin and destination. A copy of such communication, or the record thereof, an appropriate notation of the time it was received and of the names and addresses of such parent or guardian and minor constitute evidence of qualification under this exception;

(6) When exercising freedom of religion or freedom of speech, provided that the minor shall have shown evidence of the good faith of such exercise and provided notice to the City by previously delivering to the Chief of Police a written communication signed by such minor with the minor's home address and telephone number, specifying when, where and in what manner the minor will be on the streets at night during hours when the curfew is still otherwise applicable to the minor in the exercise of the minor's rights specified in such communication.

(f) Each teen social club operator shall be required at all times to identify by wristband any individuals on the licensed premises under the age of sixteen (16) years. Photo identification shall be required of all minors under the age of sixteen (16) years admitted into a teen social club and an entry log shall be kept of the information contained within the photo identification, including the name, age and birth date of all patrons under the age of sixteen (16) years. Such

log shall be provided to any officer of the Lynn Police Department upon request.

SECTION 7:00 Inconsistent ordinances

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

SECTION 8:00 Time of Taking Effect

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

MOTION BY COUNCILOR TRAN TO SET DOWN FOR PUBLIC HEARING, 2ND AND MOTION FAILED 3 YES, COUNCILORS ARGUELLO, CULP, GONZALEZ, LIM, NEWTON, SNYDER, TRAN AND WORTHYLAKE VOTING NO.

2. **Councilor Arguello:** Order that the City of Lynn provide funding to the Lynn Public Schools for the implementation of a voluntary school uniform program throughout the middle and high schools. (CAHILL)

MOTION BY WORTHYLAKE TO AMEND TO INCLUDE ELEMENTARY SCHOOL STUDENTS, 2ND AND FAILED 1 YES, ARGUELLO, BUI, CULP, GONZALEZ, KURPIEL, LIM, NEWTON, SYNDER, STANTON, TRAN VOTING NO.

MOTION BY ARGUELLO TO DENY, 2ND AND PASSED 10 YES, GONZALEZ VOTING NO.

3. **Councilor Kurpiel:** Recommends the Director of the Office of Economic and Community Development look into the feasibility of hosting a free Concert at Manning Field for the youth of Lynn. (CAPANO)

MOTION BY KURPIEL TO APPROVE, 2ND AND FAILED 5 YES, ARGUELLO, BUI, CULP, NEWTON, SNYDER, STANTON VOTING NO.

4. **Councilor Culp:** Ordered that all city of Lynn elected officials, including the Mayor, City Council, School Committee, State Senator and State Representatives be subject to random drug testing annually, conducted by the city health department and appropriate medical personnel, and if any elected official fail said test for illegal drugs

- they shall immediately be removed from their elected position. (PHELAN)
- MOTION BY CULP TO AMEND TO MAKE PROPOSAL A HOME RULE PETITION, 2ND AND CARRIED 6 YES, ARGUELLO, GONZALEZ, SNYDER, STANTON AND WORTHYLAKE VOTING NO.
- MOTION BY CULP TO AMEND TO MAKE REMOVAL PURSUANT TO THE CITY CHARTER, 2ND AND CARRIED 8 YES, ARGUELLO, KURPIEL VOTING NO, WORTHYLAKE ABSTAINING.
- MOTION BY CULP TO AMEND TO ONLY INCLUDE MAYOR, CITY COUNCIL AND SCHOOL COMMITTEE, 2ND AND FAILED 5 YES, ARGUELLO, BUI, CULP, GONZALEZ, LIM, STANTON VOTING NO.
- MOTION BY GONZALEZ TO INCLUDE ALL CITY EMPLOYEES, INCLUDING LYNN HOUSING AUTHORITY AND LYNN WATER AND SEWER EMPLOYEES, 2ND AND FAILED, 2 YES, BUI, CULP, KURPIEL, LIM, SNYDER, STANTON, TRAN VOTING NO AND ARGUELLO AND WORTHYLAKE ABSTAINING.
- MOTION BY CULP TO APPROVE THE MAIN MOTION AS AMENDED, 2ND AND FAILED 5 YES, ARGUELLO, GONZALEZ, SNYDER, STANTON AND TRAN VOTING NO, WORTHYLAKE ABSTAINING.

5. Councilor Gonzalez: Recommends that the Lynn City Council set down for Public Hearing a proposed Ordinance regulating Satellite Dishes in the City of Lynn:
- SECTION 1:00**
Satellite dish providers must identify all terminated accounts and with permission from the property owner remove the non functioning dishes.
- SECTION 2:00**
Any new or replacement satellite dishes must be installed on the roof of the building or house where possible and permitted by the property owner.
- SECTION 3:00**
For any structures where the roof installation is not permitted or possible, the satellite dishes must be installed in an organized manner, preferably on the side of the property, with the intent to limit any aesthetic distractions for the neighborhood. These standards are to be determined by the executive director of the Inspectional Services Department.
- SECTION 4:00**
The City of Lynn Department of Inspectional Services shall be the enforcing authority for the provisions of this Ordinance.

SECTION 5:00

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

SECTION 6:00

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

MOTION BY GONZALEZ TO SET DOWN FOR PUBLIC HEARING, 2ND AND FAILED 4 YES, BUI, CULP, KURPIEL, LIM, NEWTON AND TRAN VOTING NO.

6. Councillor Newton: Recommends that all youth groups requesting “canning” privileges be required to provide community service by cleaning up the city’s parks and playgrounds under the direction of the Department of Public Works (TRAHANT)

MOTION BY COUNCILOR NEWTON TO AMEND TO INCLUDE LITTLE LEAGUE TEAMS, 2ND AND CARRIED 11 YES.

MOTION BY WORTHLAKE TO AMEND TO INCLUDE ALL WINTER SPORT GROUPS IN COMMUNITY SERVICE, 2ND AND CARRIED 11 YES.

MOTION BY NEWTON TO APPROVE AS AMENDED, 2ND AND CARRIED 11 YES.

7. Councillor Snyder: Recommends that the City contact the Banks and Mortgage Companies that own vacant abandoned properties after one year to work with the City to repair the property in order that the City can sell the property to recoup some of the City’s losses. (CYR)

MOTION BY SNYDER TO APPROVE, 2ND AND CARRIED 9 YES, ARGUELLO AND CULP ABSTAINING.

8. Councillor Stanton: Recommends that the Director of the Parks and Recreation Program work in conjunction with the Lynn Police Department to include a presentation on bullying in the Parks and Recreation Summer Program. (BARTON)

MOTION BY WORTHYLAKE TO TABLE, 2ND AND MOTION FAILED, BUI, CULP, GONZALEZ, KURPIEL, LIM, NEWTON AND TRAN VOTING NO.

MOTION BY STANGON TO APPROVE, 2ND AND CARRIED 8 YES, CULP, KURPIEL AND WORTHYLAKE VOTING NO.

9. Councilor Lim: Recommends that the Lynn School Department look into the feasibility of opening the school gyms after school for the students. (FORD)

MOTION BY CULP TO AMEND TO INCLUDE BEFORE SCHOOL AS WELL AS AFTER SCHOOL, 2ND AND CARRIED 11 YES.

MOTION BY LIM TO APPROVE AS AMENDED, 2ND AND CARRIED 11 YES.

10. Councilor Bui: Recommends that all students in the Lynn Public Schools be required to wear their school name on their shirts. (COLUCCI)

MOTION BY BUI TO DENY, 2ND AND CARRIED 11 YES.

11. Councilor WorthyLake: Require that any non-profit seeking Community Development funding/grant, be properly and lawfully registered and up to date with filing requirements of the Secretary of State's Office and Attorney General's Office. (LOZZI)

MOTION BY WORTHYLAKE TO APPROVE, 2ND AND CARRIED 11 YES.

Motion made by Councillor Trahant and seconded by Councillor Barton to adjourn.

Motion carried.

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