

**City Councillor
Joseph A. DelGrosso
City Council Chamber
February 22, 2010**

Regular meeting of the Revere City Council was called to order at 4:00 P.M.

President Zambuto presiding.

The City Council moved at this time to stand in a moment of silence for our fellow brother City Councillor James R. Kimmerle, who passed away on February 14th, 2010.

1. Salute to the Flag by the members of the Revere City Council and those in attendance.

2. Roll Call of Members: Councillors Colella Guinasso, Haas, Novoselsky, Patch, Powers, Reardon, Rizzo, Rotondo and Zambuto present.

3. Approval of the Journal of the meeting held on February 8, 2010.

Councillor Rotondo moved: - That the Journal of the meeting of the City Council held on February 08, 2010, was declared approved as presented with the following exception, that the Council Order #10-55 be amended by deleting the word “and” and inserting in place thereof the words “rather than”.

Amendment was declared Ordered.

The Journal was declared approved as amended.

Public Hearings

**CZ-10-01
10-37**

4. Re: An Ordinance further amending the zoning ordinances of the City of Revere by adding the following new section – Section 17.08.365 Health Club.

Proponents

Attorney Emilio Fabriano

Opponents

**Michele Oliveri
Susan Granitis
Tony DiBenedetto
Bobby D’Agostino
And others**

Ordered referred to the Zoning sub-committee.

C-10-02

10-82

5. Re: Application of Muneer's Auto Repair requesting a special permit to expand parking on residential land for commercial garage purposes at 220 Squire Road.

Proponents

**David Buckley
and others**

Opponents

**Christine Anderson
187 Charger Street
Revere, MA 02151**

Ordered referred to the Zoning sub-committee.

C-10-03

10-83

6. Re: Application of Clear Wireless requesting a special permit to install telecommunications antennae and equipment on the roof of the hotel structure at 427 Squire Road.

Proponents

Opponents

The public hearing was postponed until March 22nd at the request of the petitioner.

C-10-04

10-84

7. Re: Application of J and N Realty Trust requesting a special permit to expand a nonconforming use from twenty percent to fifty percent of the gross square footage at 382 Revere Beach Parkway.

Proponents

**Robert Scrima
Mr. Marino**

Opponents

None

Hearing held, subject matter referred to the Zoning sub-committee.

C-10-05

10-85

8. Re: Application of David A. Parziale requesting a

special permit to convert a nonconforming structure to a multi use building at 356 Revere Street.

Proponents

David Parziale, Revere Street

Opponents

None

Hearing held, subject matter referred to the Zoning sub-committee.

Unfinished Business

10-36 9. Re: Motion relative to an analysis/bond rating.

Ordered on a Motion of Councillor Rotondo: That the subject matter be taken from the table and placed on file.

Committee Reports

10-28 /10-60

10. Re: Councillor Reardon moved at this time that Council Order #10-28 and Council Order #10-60 be taken from the Committee and referred to the meeting of March 15th, 2010 Zoning sub-committee meeting to discuss property valuations.

Ordered on an affirmative vote.

Communications

10-86 11. Communication from the Mayor:

Re: *Living Wage Ordinance Report*

The City's Living Wage Ordinance (Revised Ordinances of the City of Revere, Title 15, Chapter 15.17) requires that a written report be issued three years after its enactment, and every two years thereafter. See Title 15, Chapter 15.17, Section 15.17.120(B). The City enacted the Ordinance in January of 2007. The first report is now due.

The Ordinance requires that Covered Employers pay a minimum Living Wage, with a credit for the Health Care expenditure. The Living Wage and Health Care Expenditure Credit commenced at the rates of \$10.00 per hour and \$1.25 per hour, respectively. Each January, these rates are adjusted *upwardly* based upon the annual increase, in the previous September, of the Consumer Price Index for All Urban Consumers. The City has adopted three adjustments to these rates since adoption of the Ordinance. Copies of the adjustments are attached for your review. The current rates are \$10.78 per hour for the Living Wage and \$1.35 per hour for the Health Care Expenditure Credit.

Subject to some exceptions identified in the Ordinance, the Living Wage Ordinance applies to all employers who provide *services* to the City. Prior to July of 2009, an employer was covered by the Ordinance only if the annual payment from the City for such services was in excess of \$50,000. Commencing on July 1, 2009, the monetary threshold is annual payments in excess of \$25,000.

Please keep in mind that the overwhelming majority of service contracts executed by the City of Revere which exceed these threshold amounts involve either public works or public building related construction/repairs. By state law, all such contracts require the payment of Prevailing Wages, which exceed the Living Wage. Therefore, in reality, there are not a large number of service contracts which are covered by the Ordinance.

I did have the Purchasing Agent prepare a list of contracts which, at first glance, require review under the Ordinance. (A copy of that list is attached.) In each case, the Living Wage Ordinance was satisfied, either because: 1.) the annual payments to the employer did not exceed the monetary threshold; 2.) the employer provided “professional services” which are exempt from the Ordinance; or 3.) the covered employer paid a wage greater than the Living Wage.

Please note that the Ordinance does not depend entirely upon the City’s oversight for enforcement. The Ordinance expressly provides a private right of enforcement by any aggrieved employee. To date, there has been no effort at any private enforcement, nor has there been any notice provided to the City of any alleged violation of the Ordinance.

The next report on the Ordinance is due after January of 2012.

Ordered received and filed.

10-51 12. Comm. from Councillor Rotondo:

Communication pertaining to MGL Chapter 268, Section 23 of the Ma. General Laws, as it pertains to conduct of city officials and city employees.

*A copy of Chapter 268 Section 23 and email letter has been received and made part of the official documents of the Revere City Council.

Council President rules matter out of order at this time.

No objection from the City Council

Subject matter placed on file.

10-88 13. Comm. from the Mayor:

Please be advised that in accordance with the provisions of Title 13, Chapter 13.08, Section 13.08.435 of the Revised Ordinances of the City of Revere, as most recently amended, I hereby request that Midway Utility

Contractors, LLC, Clint Luce, Construction Controller, 244 Haverhill Street, Rowley, MA 01969, be appointed as a Licensed Drain Layer.

Please take careful notice that all drain layer licenses expire on April 1, annually, unless sooner revoked by the Mayor and the Council.

Mr. Luce has been advised that he will be contacted directly by the Appointment Sub-Committee with a date and time to appear before them concerning this appointment.

Ordered referred to the Appointment sub-committee.

10-53 14. Comm. from the Mayor:

Re: *Procurement Criteria*

I am writing in response to Council Order No. 10-53, which requests information on the criteria utilized by the City when awarding municipal contracts.

The criteria utilized by the City in awarding contracts differs depending upon the type of service requested and the type of procurement process involved.

For example, all solicitations for goods and services covered by M.G.L. c. 30B, sought by quotes or public bids, for contracts more than \$5,000, require that the City select the “lowest responsible and responsive bidder.” That is the only criteria allowed. Similarly, contract awards for public works projects or public building projects in excess of \$5,000 covered by M.G.L. c. 30, §39M and M.G.L. c. 149, require quotes or public bidding (depending upon the value) and the selection of the “lowest responsible and eligible bidder.” If the service or costs of goods or work is for under \$5,000, then the City utilizes “sound business practices,” which admittedly provides for great discretion.

There are occasions where the City utilizes the Request for Proposal process for selection of services. In that case, the City is required, within the RFP itself, to set forth in detail the criteria for selection of the vendor. In making its selection, the City must follow the written criteria in its RFP.

I hope this explanation is helpful.

Ordered received and placed on file.

10-57 15. Comm. from the Mayor:

Re: *Veto Message Concerning Police Civilian Hires*

I am writing to provide you with my reasoning for the veto of Council Order No. 10-57. I have issued this rare veto because the critical fact underlying the motion is inaccurate.

The motion seems to assume that there are five budgeted (yet vacant) clerical positions within the Revere Police Department. It asks that the

positions be filled. However, there are no unfilled, budgeted clerical positions within the Revere Police Department. The three clerical positions budgeted for Fiscal Year 2010 are occupied.

Ordered subject matter tabled for one week.

10-47 16. Comm. from the Mayor:

Re: Telecommunications RFP

I am writing in response to Council Order 10-47 which requests that the City advertise an RFP for telecommunications installations in certain municipal buildings.

Please note that the City did advertise an RFP for telecommunications installations little more than one year ago. All the buildings identified in this motion were included with the exception of the American Legion Building. (a copy of that RFP is enclosed). The City received interest from just one vendor, and only for two locations (central fire station and the AC Whelan / Susan B. Anthony School site. The Council subsequently approved an installation for Central Fire Station.

If the Council wishes to readvertise, then I am happy to do so. I will need a vote of the Council approving for advertisement the attached RFP (with merely changes to the dates) and identifying the specific buildings you wish included in Appendix F. But I am not sure we will attract any new interest, especially on an American Legion Building that will require as a condition of the installation, relocation of the old police station tower and construction of a new rubber membrane roof.

10-47A Ordered on a Motion of Councillor Haas: That the Mayor be requested to readvertise the Telecommunication RFP.

Roll Call: Councillors Colella, Haas, Novoselsky, Patch, Powers, Reardon, Rizzo, Rotondo and Zambuto voting “yes.” Councillor Guinasso absent.

10-59 17. Communication from the Mayor:

In response to Council Order No. 10-59, I have enclosed copies of the two available occupancy permits for the City’s School Buildings. As you will see, the only such Permit available are those for the city’s two new school buildings. After diligent search of our records, we have found no Occupancy Permits for any of the older school facilities. The records have been provided to the Cookson Family.

Please note that, unless the use changes, occupancy permits are issued only when a building is first occupied. Obviously, in the case of some of our school buildings, that date is decades ago. It may help to explain the absence of the records.

Ordered received and placed on file.

10-81 18. Comm. from the Mayor:

Re: *Wonderland TIGER Grant*

I am writing to inform you that, yesterday, the U.S. Department of Transportation awarded a \$20 million TIGER (Transportation Investment Generating Economic Development) Grant to the City of Revere for the Wonderland Transit Oriented Development Project. Specifically, the grant will be utilized for construction of the public plaza on Parcel H, which will form the foundation for the commercial buildings. (The relevant excerpt from the U.S. DOT TIGER Grant announcement is attached.) Please note that these Federal Stimulus monies are different from, and in addition to, the Federal Stimulus funds for the South Parking Garage, which is fully funded from other sources.

This was an extremely competitive grant. The U.S. DOT received over 1,400 proposals nationwide, but funded only 51. We are grateful for the assistance of Governor Patrick and his Administration, our State Delegation, all of whom wrote letters of support, and most particularly Congressman Markey, who advocated relentlessly at the federal level for this award.

Although additional hurdles for this development remain, this grant brings the Wonderland Project one step closer to reality.

Ordered received and placed on file. Further that the City Clerk be requested to forward a letter of thanks to our State Delegation.

09-593

10-91 19. Comm. from the Mayor:

Attached you will find responses from the MBTA and Verizon to recent City Council Orders.

Communication to the Council from William A. Mitchell, Jr.,

Acting General Manager and Acting Rail and Transit Administrator:

I am writing in response to your letter transmitting Revere City Council Order 09-593, regarding the requesting from area residents that the MBTA replace the bus stop signage at 594 Malden Street, Revere.

According to our records the MBTA does not have a bus stop at 594 Malden Street. At one time, the Authority had a bus stop close to 594 Malden Street at the corner of Lucia Avenue and Malden Street. This stop was eliminated in 1995. Reactivating the stop may be problematic because of the driveway locations for 592 and 594 Malden Street.

Considering this information, if the City of Revere would like to discuss reactivating the stop, I respectfully request that a city official contact Ms. Stacey Bester, MBTA Bus Stop Manager, at 617-222-5733 or sbester@mbta .

Feel free to contact me with any future questions and thank you for your support of public transportation.

Communication from Verizon:

Thank you once again for your inquiry into the possible deployment of Verizon Fios in the City of Revere.

Verizon has not announced its FIOS expansion plans for the coming year. It is not expected that any plans would be announced at this time. We

Look forward to working with you and the Revere City Council perhaps at sometime in the future.

Ordered received and placed on file.

10-90 20. Communication from the Mayor:

Re: *Appointment to Library Board*

With much regret, I have accepted the resignation of Ms. Malvina Cafarelli from the Revere Public Library Board of Trustees.

As a result of this resignation, I respectfully ask that the City Council consider the appointment of Ms. MarieElena Hinojosa, 37 Amelia Place, Revere to fill the unexpired term of Ms. Cafarelli, which term expires on the 1st Monday of February, 2013.

Ordered referred to the appointment sub-committee.

Motions

10-68 21. Motion presented by Councillor Guinasso: That the Mayor request MassHighway to look into the feasibility of installing a left turn arrow light at the intersection of American Legion Highway and Revere Street (facing west bound traffic) in the interest of public safety.

Motion was Tabled.

10-69 22. Motion presented by Councillor Rotondo: That the Mayor request MassHighway to replace the trees bordering Lucia Avenue which served as a sound barrier from the noise caused by the highway.

Ordered on a Substitute Motion of Councillor Patch:

That the Mayor send a letter to our State Delegation requested that they install sound barriers on both sides of Rte 1 surrounding Lucia Avenue and Asti Avenue.

10-70 23. Ordered on a Motion presented by Councillor Haas: That the Mayor request David A. Green, Sr., Manager of Government and Community Relations for Comcast, to appear before the City Council to discuss ways in which to improve the lack of customer service at the Bennington Street, East Boston office location.

10-71 24. Ordered on a Motion presented by Councillor Novoselsky: That the Mayor request the Revere Community Media Center-RevereTV (RCMC) to install "Closed Captioning" on channels 8 and 9 for the hearing impaired viewers of the City.

10-72 25. Ordered Motion presented by Councillor Novoselsky: That the Mayor immediately pursue the demolition of the Old Boys Club in Donnelly Square and move forward with the construction of the passive park. The name of park is to be designated the “James R. Kimmerle Memorial Park”.

10-73 26. Ordered on a Motion presented by Councillor Rizzo: That the Mayor request the Superintendent of Public Works to update the City Council on expenditures thus far relative to snowplowing. Further, that any leftover monies in the snowplowing budget be designated towards the Senior Citizen Tax Relief/Water & Sewer Work Programs.

10-74 27. Ordered on a Motion presented by Councillor Rizzo: That the Mayor meet with the City Council in conjunction with the Economic Development/Land Sales Subcommittee to discuss the disposition of the now abandoned Police Station on Pleasant Street.

10-75 28. Ordered on a Motion presented by Councillor Rizzo: That the Mayor request the Superintendent of Public Works to inform the City Council of plans to reline crosswalks and streets at the conclusion of the 2010 winter season.

10-76 29. Ordered on a Motion presented by Councillor Rizzo: That the President of the Revere City Council appoint a Gaming Committee in light of the now imminent gaming bill promised to be offered by Speaker Robert DeLeo in conjunction with our state delegation. The purpose of the Gaming Committee will be to discuss infrastructure, public safety, revenue and other matters as it pertains to Revere. The committee should also include the Chief of Police, the Chief of Fire, City Planner, and Director of Finance.

Motions

10-77 30. Ordered on a Motion presented by Councillor Rotondo: That the Mayor request Inspectional Services and the Fire Department to look into the possibility of a carpet laying company conducting business at the premises of 547 Washington Avenue.

10-78 31. Ordered on a Motion presented by Councillor Rotondo: That the Mayor request the Traffic Commission to investigate the feasibility of implementing resident only parking from the hours of 6:00 pm to 6:00 am throughout the entire City of Revere.

10-79 32. Ordered on a Motion presented by Councillor Rotondo: That the Mayor request the DPW to fill the potholes at 86 Mountain Avenue in the interest of public safety. This motion was previously submitted as a work order to the DPW roughly two month ago.

10-80 33. Ordered on a Motion presented by Councillor Rotondo: That the Revere City Council adopt the following resolution:

WHEREAS, The City of Revere is seeking economic development projects to increase the tax base and provide for new Schools and increase the ranks of Police and Fire Fighters; and

WHEREAS, The State of Massachusetts and Suffolk Downs are proposing to build a casino/resort/entertainment center within the commonwealth of Massachusetts; and

WHEREAS, Suffolk Downs already provides good jobs with prevailing wages; and

WHEREAS, all workers in Revere support job growth that will have a positive impact on the economy and for economic development; therefore be it

RESOLVED, that the Revere City Council support the efforts to bring a premier gaming and entertainment location to Suffolk Downs by going on record in support of the proposal; and be it further

RESOLVED, that Suffolk Downs and the Massachusetts AFL-CIO continue to work collectively and assist the appropriate Building Trades and Construction Councils to secure and maintain a commitment to build the project with union trades affiliated with the state AFL-CIO that will ensure a 100% union built project, using local workers from Revere and surrounding communities; and be it further

RESOLVED, that the passage of this resolution authorizes the Mayor and Revere City Council to write letters of support of expanded gaming at Suffolk Downs to the Governor, Lt. Governor, Speaker DeLeo and Murray, as well as other constitutional officers, and be it finally

RESOLVED, that the Revere City Council unequivocally supports expanded gaming at Suffolk Downs and the development benefits of gaming and entertainment facility within the City of Revere.

Ordered referred to the Gaming Committee.

Ordered on a Motion of Councillor Zambuto: That the City Council now stand adjourned to meet on Monday, March 1, 2010.

Ordered adjourned at 7:30 PM

Attest

City Clerk