

**City Councillor  
Joseph A. DelGrosso  
City Council Chamber  
March 1, 2010**

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

**President Zambuto presiding.**

**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. Councillor Colella absent.**

**10-26 3. A Certificate of Appreciation was awarded to Rose and Lawrence Primatello in recognition of their 65<sup>th</sup> wedding anniversary which was celebrated on September 10, 2009.**

**10-24 4. Peter Nagle of Nationalgrid will appear before the Revere City Council to discuss the condition of the gas lines along Revere Street.**

**Addressing the Council at this time was Peter Nagle of Nationalgrid and Ms. Gauthier**

**Subject matter was placed on file.**

**Committee Reports**

**Unfinished Business**

**10-68 5. Re: Motion relative to the installation of a left turn arrow at the intersection of American Legion Highway and Revere Street.**

**Motion was taken from the table and  
Ordered.**

**10-57 6. Re: Veto message concerning police civilian hires.**

**Veto message taken from the table at this time.**

**The question is now put Shall this matter be passed over the Mayors objections.**

**Veto message was sustained on a Roll Call: Councillors Guinasso, Haas, Patch, Powers, Rizzo and Rotondo voting “yes.” Councillor Novoselsky and Zambuto voting “no.” Councillor Reardon was absent from the Chamber. Councillor Colella absent.**

**Ordered on a Motion of Councillor Haas: That the Mayor and Chief of Police be requested to look into the feasibility of placing additional Police Officers on the Street.**

**Communications**

**10-89        7.     Comm. from the Mayor:**

**Re:   *CND Proposal for Walden Street Fire Station***

**Attached you will find the response from Chelsea Neighborhood developers (“CND”) to the City Council’s conditions for acquisition of the Walden Street Fire Station.**

**As you recall, CND submitted two different proposals for the Walden Street Station in response to the City’s advertised RFP. In reviewing the proposals, the Council responded with what was, in essence, a counteroffer comprised of a hybrid of the two CND proposals. Specifically, the Council requested that CND: limit the use to six (6) affordable units; set the purchase price at \$300,000; restrict all units to age 55 and older; give Revere residents a “first preference”; and at all times, pay real estate taxes to the City.**

**CND’s response, set forth in the attached letter dated February 18, 010, is another counter offer, but one that, in my opinion, substantively addresses most of the Council’s concerns. I recommend acceptance.**

**As you will see, CND is prepared to accept, to the extent legally possible, conditions 3-5. With respect to the number of units and price, CND has proposed the most economically feasible project it can undertake – 9 affordable elderly units (7 one bedroom and 2 two bedrooms) at a purchase price of \$180,000.**

**The Council should note that CND is making a significant investment in the Shirley Avenue neighborhood. It played an active role in the Gateway Planning Initiative for Shirley Avenue. It recently purchased at foreclosure the property at 14-16 Nahant Avenue, just behind the Walden Street Fire Station, with the intent to convert the property into 6 affordable units. And, it is actively seeking further foreclosed properties to rehabilitate in the Shirley Avenue area.**

**Given CND’s interest and investment in the area, and the merits of its proposed use for the Walden Street Fire Station, I strongly urge the City Council to accept the CND offer.**

**Be advised that the Purchasing Agent has conferred with the Inspector General’s Office regarding this process. It appears that, notwithstanding the substantive changes from CND’s original responses to the RFP, the City Council’s acceptance of this revised proposal will not contravene M.G.L. c. 30B.**

**Ordered referred to the Economic Development Committee.**

**10-54        8.     Comm. from the City Solicitor:**

**Re: Council Order 10-54 – Executive Session**

Council motion 10-54 essentially requests that the Police Chief and “presidents from the officer and patrolman’s union appear before the Revere City Council in *executive session* to address the policies and procedures of the Revere Police Department.” It also refers this motion to my office for an opinion as to the “legality” of this request. Accordingly, it is my opinion that the motion as drafted violates the open meeting law.

Mass. Gen. Laws ch. 39, § 23B (the open meeting law), provides as follows:

All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.

No quorum of a governmental body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.

No executive session shall be held until the governmental body has first convened in an open session for which notice has been given, a majority of the members have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has cited the purpose for an executive session, and the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session.

Nothing except the limitation contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and a recorded vote has been taken to hold an executive session. Executive sessions may be held *only* for the following purposes:

(4) To discuss the deployment of security personnel or devices.

(7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

There are ten express purposes, including numbers (4) and (7) above, for holding an executive session (see below open meeting law). However, the motion as presented broadly states to “discuss policies and procedures of the RPD.” There is no mention of a specific policy or procedure, or any definitive purpose for the executive session. As presented, the motion lacks sufficient information to determine if the reason for the executive session satisfies the requirements of 23B. Therefore an executive session is not permitted as requested. The council may choose to narrow its reason for the executive session, and if applicable propose a new motion that satisfies the requirements of the open meeting law.

## **§ 23B. Open meetings of governmental bodies**

**All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.**

**No quorum of a governmental body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.**

**No executive session shall be held until the governmental body has first convened in an open session for which notice has been given, a majority of the members have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has cited the purpose for an executive session, and the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session.**

**Nothing except the limitation contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and a recorded vote has been taken to hold an executive session. Executive sessions may be held only for the following purposes:**

**(1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:**

**(a) to be present at such executive session during discussions or considerations which involve that individual.**

**(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.**

**(c) to speak in his own behalf.**

**(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:**

**(a) to be present at such executive session during discussions or considerations which involve that individual.**

**(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.**

**(c) to speak in his own behalf.**

**(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel.**

**(4) To discuss the deployment of security personnel or devices.**

**(5) To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.**

**(6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.**

**(7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.**

**(8) To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.**

**(9) To meet or confer with a mediator, as defined in section twenty-three C of chapter two hundred and thirty-three with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that: (a) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed; and (b) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice as may be required in this section.**

**(10) To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing**

electric power and energy.

**This section shall not apply to any chance meeting, or a social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction or advisory power.**

**Except in an emergency, a notice of every meeting of any governmental body shall be filed with the clerk of the city or town in which the body acts, and the notice or a copy thereof shall, at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to such meeting, be publicly posted in the office of such clerk or on the principal official bulletin board of such city or town. The secretary of a regional school district committee shall be considered to be its clerk and he shall file the notice of meetings of the committee with the clerk of each city or town within such district and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town and such secretary shall post such notice in his office or on the principal official bulletin board of the district. If the meeting shall be of a regional or district governmental body, the officer calling the meeting shall file the notice thereof with the clerk of each city and town within such region or district, and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town. The notice shall be printed in easily readable type and shall contain the date, time and place of such meeting. Such filing and posting shall be the responsibility of the officer calling such meeting.**

**A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded roll call votes and shall become a part of the record of said executive sessions. No votes taken in open session shall be by secret ballot.**

**A meeting of a governmental body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction or by means of videotape equipment fixed in one or more designated locations determined by the governmental body except when a meeting is held in executive session; provided, that in such recording there is no active interference with the conduct of the meeting.**

**Upon qualification for office following an appointment or election to a governmental body, as defined in this section, the member shall be furnished by the city or town clerk with a copy of this section. Each such member shall sign a written acknowledgement that he has been provided with such a copy.**

**The district attorney of the county in which the violation occurred shall enforce the provisions of this section.**

Upon proof of failure by any governmental body or by any member or officer thereof to carry out any of the provisions for public notice or meetings, for holding open meetings, or for maintaining public records thereof, any justice of the supreme judicial court or the superior court sitting within and for the county in which such governmental body acts shall issue an appropriate order requiring such governmental body or member or officer thereof to carry out such provisions at future meetings. Such order may be sought by complaint of three or more registered voters, by the attorney general, or by the district attorney of the county in which the city or town is located. The order of notice on the complaint shall be returnable no later than ten days after the filing thereof and the complaint shall be heard and determined on the return day or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of this section. In the hearing of such complaints the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by section eleven A 1/2 of chapter thirty A, by section nine G of chapter thirty-four or by this section. All processes may be issued from the clerk's office in the county in which the action is brought and, except as aforesaid, shall be returnable as the court orders.

Such order may invalidate any action taken at any meeting at which any provision of this section has been violated, provided that such complaint is filed within twenty-one days of the date when such action is made public.

Any such order may also, when appropriate, require the records of any such meeting to be made public, unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is authorized. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy. Such order may also include reinstatement without loss of compensation, seniority, tenure or other benefits for any employee discharged at a meeting or hearing held in violation of the provisions of this section.

Such order may also include a civil fine against the governmental body in an amount no greater than one thousand dollars for each meeting held in violation of this section.

The rights of an individual set forth in this section relative to his appearance before a meeting in an executive or open session, are in addition to the rights that an individual may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements, and the exercise or nonexercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

Ordered received and filed.

**10-99      9.      Comm. from the Mayor:**

**Revere Chelsea and Winthrop Collaboration**

**On many different occasions, both at City Council meetings and in private conversations, Councilors have discussed the desire for the City to explore regional collaboration with our neighboring communities of Chelsea and Winthrop. Toward that end, I have been meeting with municipal leaders in those two communities.**

**Recently, the Metropolitan Area Planning Council agreed to provide the three communities with the necessary technical assistance and expertise, through a District Local Technical Assistance Fund grant, to fully explore these regional collaboration opportunities. Specifically, utilizing approximately \$20,000 of DLTA funding, MAPC will analyze the potential for collaborative delivery of various services in the three municipalities, including public health, library, planning, information technology, assessing, veterans' services, capital planning and engineering services. The goal will be that, by some point in FY11, MAPC will identify and prioritize, for the three communities, the regional collaborations that will provide the most benefit based upon quality of performance, cost savings and, perhaps most importantly, ease of implementation. (A copy of the MAPC proposal, identified as the North Suffolk Joint Services Project, is attached for your review.)**

**Please keep in mind that this is only a study. No changes will be implemented within the City without substantial input from all stakeholders, including Councilors, union officials and Department Heads. However, I believe it is important to move forward with this analysis, and I ask that the City Council expressly endorse the effort. Because of the DLTA grant, there is no cost to the City for MAPC's work.**

**Motion presented by the Revere City Council: That the Council go on record as endorsing MAPC's proposal relative to Revere Chelsea Winthrop Collaboration.**

**Motion was declared Ordered on a Roll Call: Councillors Guinasso, Haas, Novoselsky, Patch, Powers, Reardon, Rizzo, Rotondo and Zambuto voting "yes." Councillor Colella absent.**

**10-102      10.      Comm. from the Mayor:**

**Enclosed, you will find for your edification, a copy of the Warrant calling for the Special State Primary to be held in the City of Revere on Tuesday, April 13, 2010.**

**COMMONWEALTH OF MASSACHUSETTS**

**WILLIAM FRANCIS GALVIN**

**SECRETARY OF THE COMMONWEALTH**

**WARRANT CALLING THE SPECIAL STATE PRIMARY ON TUESDAY,  
APRIL 13, 2010.**

**SS. Suffolk County**

**GREETING: TO THE CITY CLERK OF THE CITY OF REVERE**

**In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of**

**THE CITY OF REVERE who are qualified to vote in the Special State Primary to vote at:**

**WARD 6 PRECINCT 1 – A.C. WHELAN SCHOOL, 107 NEWHALL STREET, CAFETERIA**

**WARD 6 PRECINCT 2 – A.C. WHELAN SCHOOL, 107 NEWHALL STREET, CAFETERIA**

**WARD 6 PRECINCT 3 – CASA LUCIA, 61 LUCIA AVE. SENIOR ROOM.**

**On TUESDAY, THE THIRTEENTH OF APRIL 2010 from 7:00 A.M. to 8:00 P.M. for the following purpose:**

**To cast their vote in the Special State Primary for the candidates of political parties for the following offices:  
SENATOR IN GENERAL COURT. . . . MIDDLESEX, SUFFOLK AND ESSEX DISTRICT**

**Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.**

**Given under our hands this 9<sup>th</sup> day of February, 2010.**

**10-100      11.      Comm. from the Revere Chamber of Commerce:**

**Re: Parking Meter Sticker Program**

**The Revere Chamber of Commerce is researching alternatives that may be useful To the City of Revere to more efficiently regulate parking and more effectively collect fees for parking at metered spaces. Specifically, we hope to gain the Council’s support for a parking meter sticker program that might allow residents, business owners and their employees to purchase pre-paid parking privileges at certain meters each month for a set fee. The City of Everett has successfully employed such a program since June 2001.**

**Last week, we met with Mayor Ambrosino to discuss this kind of parking meter program.**

**And we have secured his preliminary encouragement. Also, we have made a request in writing to the Traffic Commission for this item to be placed on the agenda of their next regular meeting, currently scheduled for Thursday, March 4, 2010.**

**If you have any questions concerning this communication we would like further information please call the Revere Chamber of Commerce at 781-289-8009. Thank you**

**Ordered received and filed.**

**10-101      12.      Communication from Molly Baldwin, Executive Director:**

I just wanted to request a meeting with you and the City Council to update you on some of the remarkable work that ROCA has accomplished over the past few months and what our plans for the future are. We have been doing some significant thinking and learning and are very clear on positioning ROCA for the future.

For the most part, people think that these young people can't change their lives. ROCA knows better. ROCA is demonstrating success. Young people are changing their lives. ROCA is at an early stage in demonstrating its intervention Model as a solution to reducing violence and poverty. To Do this, ROCA has five strategies:

1. Demonstrate the Intervention Model for Very High Risk Youth as evidence-based;
2. Build an infrastructure to create and expand transitional employment opportunities;
3. Replicate the Intervention Model for Very High Risk Youth
4. Implement a Knowledge Sharing, Advocacy, and Public Policy Agenda to share the model, develop a comprehensive system for supporting these young people and leverage funds; and
5. Increase organizational capacity for scale, impact, and sustainability.

Roca's Intervention Model is changing the lives of our young people and our communities. Roca seeks out the most difficult, challenging young people; works with systems to change how they work with those young people; and drives each of these groups to outcomes. Roca's intervention model is a solution to helping very high risk young people get out of violence and poverty.

Roca is intensively serving a 100 young people in Revere representing approximately \$1M in programming each year. While we do not have a physical site there, we are providing intensive outreach and home visits, gang intervention, at times operating a work crew, and bringing young people to Chelsea site for programming. We were recently awarded the only Pathways Out of Poverty grant for the state equaling \$2.3 million to help young people from Chelsea and the Shirley Avenue area of Revere develop the skills and enter green jobs.

I look forward to sharing more information about our plans for the future demonstrating Roca's outcomes with our young people. We will follow up this letter with a phone call to the City Council Office.

Ordered referred to the meeting of March 15th.

10-34A 13. Communication from Glen DeRosa, MIS Director

Pursuant to Council Order #10-34, I have provided a report to the City Council providing information about the procedures in place within the City to ensure compliance with state laws regarding the maintenance and preservation of municipal electronic records including employee email.

Communication and received and placed on file.

Motions

**10-92 14. Ordered on a Motion presented by Councillor Novoselsky: That the Mayor request DCR to install two signs, "Enter Here for U-Turn", on Revere Beach Parkway, eastbound (across from the Revere Police Department) and westbound (across from Albert Avenue) approximately 30 feet before each turn. This request is made in the interest of public safety.**

**10-93 15. Ordered on a Motion of presented by Councillor Haas and Patch: That the Mayor request Inspectional Services to take immediate corrective action to remedy the blighted conditions at 772 Washington Avenue.**

**10-94 16. Ordered on a Motion presented by Councillor Zambuto: That the Revere City Council move to order a Special Ward 1 City Election on May 11, 2010 to fill the vacancy for the remainder of the unexpired term of the late Ward 1 City Councillor James R. Kimmerle.**

**10-95 17. ORDERED On a Motion of Councillor Haas as amended by Councillor Patch: That the Mayor request Ma Highway to repair the fence and clean the trash along the entire length of Lucia Avenue.**

**10-96 18. Ordered on a Motion of Councillor Rotondo: That the Mayor request the Chief of Police to increase patrols around Marble Street, Malden, Street and Grover Street due to increased drug activity in the area.**

**10-97 19. Ordered on a Motion of Councillor Rotondo: That a copy of the Revere City Council rules be placed on the City of Revere website.**

**10-98 20. Ordered on a Motion of Councillor Rizzo: That the Clerk of the City Council draft a resolution on behalf of the Revere City Council expressing our displeasure and opposition to the \$5.00 surcharge imposed by the Registry of Motor Vehicles for in person transactions handled at various registry locations throughout the Commonwealth of Massachusetts.**

**Further, that a copy of this motion be forwarded to our State Delegation.**

**Ordered on a Motion of Councillor Zambuto: That the City Council now stand adjourned to meet on Monday, March 15, 2010.**

**Ordered adjourned at 5:55 P.M.**

**Attest:**

**City Clerk**

