

**City Councillor
Joseph A. DelGrosso
City Council Chamber
March 15, 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, Haas, Novoselsky, Patch, Powers, Reardon, Rizzo, Rotondo, and Zambuto voting "yes." Councillor Guinasso absent.**
- 3. Approval of the Journals of the meetings of February 22, and March 1, 2010.**

The Journals were declared approved as presented.

- 10-101 4. Pursuant to Council Order #10-101, Ms. Molly Baldwin will address the City Council on ROCA's accomplishments.**

Ordered received and filed.

Committee Reports

**10-66
10-90
10-88**

- 5. Re: Appointment sub-committee report**

The Appointment sub-committee recommends confirmation of the following appointees:

Midway Utility Contractors as a Licensed drainlayer

Robert Mercurio as a Constable

MarieElena Hinojosa as a member of the Revere Public Library Board of Trustees

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

Re: Report of the Committee of Public Safety

The Committee recommends adoption of the following orders:

- 10-20 6. The Public Safety Sub-Committee recommends that the Revere City Council move forward in conducting a public hearing to amend**

the Revised Ordinances of the City of Revere to make it illegal to type, text message, or read from a wireless communications device on city streets.

Ordered referred to a Public Hearing.

10-52A 7. The Public Safety Sub-Committee recommends the following motion be submitted - Motion presented by Councillor Patch: That the Mayor request the Chief of Police to place all inside personnel (detectives, higher ranking officers) at all schools throughout the city to direct traffic during drop-off and pick-up times only.

Motion was declared Ordered.

10-25 8. The Public Safety Sub-Committee recommends the following substitute motion - Motion presented by Councillor Patch as amended by Zambuto: That the Mayor facilitate a permit from Mass Highway to install a left green arrow at the intersection of Broadway (Route 107) and Central Avenue.

Further, that signage indicating appropriate lanes be erected.

Substitute Motion was declared Ordered as amended.

Communications

10-72 9. Communication from the Mayor:

Re: Old Boy's Club Building

I am writing in response to Council Order No. 10-72, which requests that the City proceed with demolition of the old Boy's Club Building and create a passive park dedicated to the memory of James R. Kimmerle.

As I have noted in the past, I have no objection to the Council's proposal for this site. The constraint on moving forward has been, and remains, funding for the demolition and park creation.

I do believe we will be able to accomplish at least the demolition this calendar year. The City has included the demolition of this building in its proposed program for the first year of Community Development Block Grant funds. (Remember, this year, the City is, for the first time, a CDBG entitlement community, which means funding will come directly from the U.S. Department of Housing and Urban Development.) We expect CDBG funds to be available sometime in late Summer/early Fall. Once funding is received, we will move forward expeditiously with demolition.

ORDERED referred to Ways and Means Committee.

10-74 10. Communication from the Mayor:

In response to Council Order #10-74, please note that I am willing to meet at your convenience with the Economic Development/Land Sales sub-

committee to discuss the disposition of the old Police Station. Please contact my Assistant Irene to arrange for a convenient time.

Ordered received and placed on file.

10-116 11. Communication from the Mayor:

I am writing to request the appointment of Mr. Robert Wolfgang, 114 Garfield Avenue, Revere, to the Revere Historical Commission for a three year⁴ term expiring on July 1, 2013. Mr. Wolfgang will occupy a currently vacant position.

Ordered referred to the Appointment sub-committee.

10-117 12. Communication from the Mayor:

Re: *Free Cash Certifications*

By communication dated March 2, 2010, the Massachusetts Department of Revenue has certified that, as of the close of Fiscal Year 2009, the General Fund had a free cash surplus of \$957,932. The Water & Sewer Enterprise Fund had a free cash deficit of (-\$87,690). (A copy of the communication is attached.)

Given our ongoing fiscal constraints, the large drawdown on Reserves necessary to balance our FY10 Budget, and the expected need for a similar use of Reserves to maintain the FY11 Budget, I will be recommending, sometime in the Spring, that a significant portion of this General Fund Free Cash be transferred to the Stabilization Fund. However, before I can determine the precise amount to recommend for Reserves, I need to identify the portion of Free Cash necessary to cover any FY10 operating deficits.

As is the case in most years, there are some deficits looming in certain of our operating accounts. At this point, it is obvious we will have deficits in DPW Overtime Accounts, some of which are nearing depletion now, with more than a full quarter remaining in the fiscal year. There will likely be other deficits surfacing as the fiscal year draws to a close. I will have a much better handle on such deficits by late May/early June. At that point, I will identify the deficits, recommend the necessary transfers, and propose that whatever is left in General Fund Free Cash be used to bolster the Stabilization Fund.

With respect to the Water & Sewer Enterprise Fund, that Free Cash deficit was not unexpected. Our FY09 water and sewer rates, which we set in June of 2008, were simply too low to generate the necessary revenue in FY09 to cover all of our expenses. We did increase our rates for FY10, and based upon revenues through January of 2010, it appears we are on track with estimates to end the year without a deficit. However, we will have to watch those revenue figures closely for the rest of this fiscal year. DOR has made plain to us that, if we have another deficit at the end of FY10 in the Water &

Sewer Enterprise Fund, we will need to raise that deficit on our FY11 Tax Recapitulation Sheet.

I will be discussing these matters further with the City Council over the course of the next few months.

Ordered referred to Ways and Means.

10-118 13. Comm. from the City Clerk

I am herewith submitting to you the Warrants calling for the Special State Election and the Special City Election for Ward 1 for Tuesday, May 11, 2010.

COMMONWEALTH OF MASSACHUSETTS

WILLIAM FRANCIS GALVIN

SECRETARY OF THE COMMONWEALTH

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 Election 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 ELEVENTH DAY OF MAY 2010, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Special State Election for the candidates for the following office:

SENATOR IN GENERAL COURT. . . . MIDDLESEX, SUFFOLK AND ESSEX

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 31st day of March, 2010.

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WILLIAM FRANCIS GALVIN

SECRETARY OF THE COMMONWEALTH

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Given under our hands this 31st day of March, 2010.

Communication received and placed on file.

10-119 14. Communication from the Mayor:

Re: *Green Communities Act and Grant Opportunities*

As you may know, the City is seeking to be designated by the Massachusetts Department of Energy Resources (“DOER”) as a Green Community. Municipalities which attain this designation will be eligible for significant grant opportunities in the near future. This year alone, there is more than \$7 million in grants available to communities with this designation. The grants provide no-cost funding for a wide variety of energy efficient efforts, including construction. The grant applications for Calendar Year 2010 are due on May 28, 2010, and, to apply, a municipality must achieve the Green Community designation by May 14, 2010.

In order to be designated as a Green Community, a municipality must meet five specific criteria set forth in the Green Communities Act. (See attached Guidelines for Qualifying as a Green Community.) The criteria are not easily met, and thus far, not a single municipality has been designated. However, many communities, including Revere, received a small grant from DOER for consultant work to assist in reaching this goal. And, several

municipalities are working hard toward meeting the May 14, 2010 deadline to qualify for 2010 grants.

The City of Revere has made some progress in attaining the Green Community designation. But, more is required, including some specific steps identified by our consultant which require a City Council vote. A brief summary of where we stand with respect to each criterion, and some requested action steps, follow.

The first criterion is “as of right” siting for renewable energy facilities. Our recently enacted Land-Based Wind Energy Facilities Ordinance was a major step in achieving this goal. However, in order for DOER to confirm the City’s satisfaction of this prong, some minor changes to the Ordinance are necessary. Mostly, the changes simply confirm, in clearer language, that a wind energy conversion facility within the TED District needs only to satisfy the Site Plan Review process and does not require any review or vote by the Revere City Council. The proposed changes are attached.

The second criterion demands that the permitting process for “as-of-right” facilities not exceed one year from the date of initial application, the so-called “expedited permitting” prong. I believe the best way for Revere to accomplish this goal, again, is with some minor changes to the Land-Based Wind Energy Facilities Ordinance to confirm that the Site Plan Review Process will be completed within 180 days of a completed application, or constructive approval of the application will occur. That change is set forth in proposed new Section 17.18.030(D).

The third criterion requires the City to establish a baseline energy inventory for its municipal uses and then put in place a plan to reduce this baseline by 20% within 5 years. I am hopeful that the ongoing Ameresco work within the School Department will allow us to meet this prong. However, I need to do a little more investigation before I can confirm that fact. Consider the effort under this criterion ongoing.

The fourth criterion is adoption of a policy for the acquisition of only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable. This prong is relatively easily met. Because most of our municipal vehicles are expressly exempt from this requirement (including DPW trucks, fire trucks and police vehicles), the policy, if adopted, would only apply to a very small number of current municipal cars. For the City Council’s review, I have attached an inventory of City vehicles, taken from our current motor vehicle insurance policy, and I have highlighted the ones that are non-exempt. I have also included a proposed replacement policy for those vehicles. If adopted by the City Council, we should satisfy this fourth prong.

The final criterion is adoption of the so-called “Stretch Energy Code.” This will likely be, for Revere, the most difficult hurdle. The Stretch Energy Code imposes additional energy efficiency requirements, beyond those set

forth in the current Building Code, to all construction. It will take some time for the Building Department to educate itself on this proposed Stretch Energy Code, after which there will be some need for outreach to our development community. However, it is something the City and its Building Department would like to pursue, given the grant money at stake and the fact that, inevitably, this voluntary Stretch Energy Code will almost certainly become mandatory in the course of the next five years.

The adoption of the Stretch Energy Code is likely to take some time and effort. I am not certain it can be accomplished prior to this year's May 14, 2010 deadline for Green Community designation. However, the Building Department is working toward that goal. At the very least, I hope to be far along in our efforts to gain this designation by the end of this fiscal year so that we will be ready to apply for the next grant round. To do that, I ask that the City Council advertise the proposed changes to the Land-Based Wind Energy Facilities Ordinance for public hearing and adopt the attached Fuel Efficient Vehicle Policy.

I will be available to discuss all of these items and the Green Community designation at the next City Council meeting.

AN ORDINANCE TO AMEND THE LAND-BASED WIND ENERGY FACILITIES ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REVERE AS FOLLOWS:

Section 1. Title 17, Chapter 17.18, Section 17.18.030(A) is hereby amended by striking the first full sentence and replacing it with the following new two sentences: "Provided that the use complies with all requirements set forth in this Chapter, the construction of a commercial wind energy conversion facility shall be permitted by right in the TED District. By contrast, in the HB, LI, IP, PDD1 and PDD2 zoning districts, and on municipally owned property, the construction of a commercial wind energy conversion facility shall be subject to the issuance of a Special Permit by the City Council."

Section 2. Title 17, Chapter 17.18, Section 17.18.030 is hereby amended by adding a new Subsection (D) which reads as follows: "For uses allowed by right in the TED District, the applicant shall be required to comply only with the Site Plan Review process set forth in Chapter 17.17 of this Zoning Ordinance. No review by the City Council is required. Notwithstanding any provisions to the contrary in Chapter 17.17, the Site Plan Review Committee shall complete its review of a completed application for a commercial wind energy conversion facility, and issue its findings, within 180 days after the date the application to the Site Plan Review Committee is complete. Failure of the Site Plan Review Committee to issue a final decision within 180 days shall constitute constructive approval of the application without conditions,

and in such circumstances, the Building Inspector shall issue a Building Permit forthwith upon request of the applicant.

Section 3. Title 17, Chapter 17.18, Section 17.18.060(B)(iii) is hereby amended by adding by striking the second sentence and replacing it with the following new sentence: “The Site Plan Review Committee (for as-of-right sitings) and the City Council (for Special Permit applications) may reduce the setbacks as appropriate, based on site specific considerations, and only after review of substantial evidence, including but not limited to detailed engineering reports or product engineering certification, which demonstrate that safety concerns have been minimized and that setbacks have been complied with to the maximum extent practicable.”

FUEL EFFICIENT VEHICLE POLICY

DEFINITIONS:

Combined city and highway MPG (EPA Combined fuel economy): Combined Fuel Economy means the fuel economy from driving a combination of 43% city and 57% highway miles and is calculated as follows:

$$=1/((0.43/City\ MPG) +(0.57/Highway\ MPG))$$

Drive System: The manner in which mechanical power is directly transmitted from the drive shaft to the wheels. The following codes are used in the drive field:

- AWD = All Wheel Drive: four-wheel drive automatically controlled by the vehicle powertrain system
- 4WD = 4-Wheel Drive: driver selectable four-wheel drive with 2-wheel drive option
- 2WD = 2-Wheel Drive

Heavy-duty truck: A vehicle with a manufacturer’s gross vehicle weight rating (GVWR) of more than 8,500 pounds.

POLICY STATEMENT:

In an effort to reduce the City’s fuel consumption and energy costs over the next 5 years, the Revere City Council hereby adopts a policy to purchase only fuel efficient vehicles to meet this goal.

PURPOSE:

To establish a requirement that the City of Revere purchase only fuel efficient vehicles for municipal use whenever such vehicles are commercially available and practicable.

APPLICABILITY:

This policy applies to all Departments of the City.

GUIDELINES:

All Departments shall purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable.

The City will maintain an annual vehicle inventory for non-exempt vehicles and a plan for replacing these vehicles with vehicles that meet the fuel efficiency ratings below. Based on the most recently published US Environmental Protection Agency data on fuel efficient vehicles, vehicles are to have a combined city and highway MPG no less than the following:

- **2 wheel drive car: 29 MPG**
- **4 wheel drive car: 24 MPG**
- **2 wheel drive small pick-up truck: 20 MPG**
- **4 wheel drive small pick-up truck: 18 MPG**
- **2 wheel drive standard pick-up truck: 17 MPG**
- **4 wheel drive standard pick-up truck: 16 MPG**

Note: This policy may be updated from time to time to reflect any changes to the MPG requirements of the Massachusetts Department of Energy Resources Green Communities Program.

Exemptions

- **Heavy-duty vehicles such as fire-trucks, ambulances, and public works trucks are exempt from this criterion**
- **Police cruisers are exempt from this criterion until such time that cruiser become commercially available.**

Inventory

The following information shall be included in a vehicle inventory list and said list shall be updated on an annual basis:

Model	Make	Model Year	Year Purchased	Drive System	Weight Class	Annual Miles Driven	Total Fuel Consumption	Vehicle Function
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Note: Departments may use EPA combined MPG estimates or actual combined MPG.

The City's initial list of non-exempt vehicles is attached as Exhibit A.

FUEL EFFICIENT VEHICLE REPLACEMENT PLAN:

The City of Revere shall develop a plan to replace all non-exempt vehicles with fuel efficient vehicles as defined above. Said plan shall outline the process by which the City will replace vehicles, set goals for when the existing fleet will be replaced, and review said plan on an annual basis.

QUESTIONS/ENFORCEMENT:

All inquires should be directed to the relevant Department Head. This policy is enforced by Mayor and/or the Mayor's designee.

RELATED INFORMATION:

United States Environmental Protection Agency, Green Vehicle Guide

- <http://tiny.cc/greenEPA>

Massachusetts Department of Energy Resources, Green Communities Program

- Green Communities Criteria: <http://tiny.cc/criteria>
- List of Fuel Efficient Vehicles: <http://tiny.cc/vehicles>

ORDERED referred to a public hearing.

Motion presented by the City Council: That the Council move to adopt the “Fuel Efficient Vehicle Policy” (see attached).

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

Remainder of the communication referred to the Ways and Means Committee.

10-70 15. **Comm. from the Mayor:**

Attached, you will find response by Comcast to the recent City Council Order regarding customer service at the Bennington Street facility.

I am writing to your letter of March 1, 2010, regarding Comcast Customer concerns about long lines in the East Boston Service Center on Bennington St. That email sent on Feb. 18, 2010, stated that the unusual foot traffic at the East Boston Service Center was attributable to customers needing to pick up digital transport adapters (DTAs). This was a temporary situation that I expected to subside by the end of February.

I am pleased to tell you that lines are back to relatively normal levels. Nearly all Revere customers requiring DTAs have had them installed, received them through the mail or picked them up at nearby service centers in East Boston, Malden or Saugus. The decrease in activity along with increased staffing at the service centers had led to much shorter lines and more efficient service.

10-70A **Ordered on a Motion of Councillor Colella:** That the Mayor request the City Solicitor to appear before the City Council to discuss guidelines with the contract between the City and Comcast.

Motions

10-103 16. **Ordered on a Motion presented by Councillor Zambuto:** That the Mayor request the City Planner to provide the City Council with a

street paving schedule for calendar year 2010. This list should include projected start dates and completion dates for each street listed on the schedule.

10-104 17. Ordered on a Motion presented by Councillor Zambuto: That the Mayor request the Parking Clerk to provide the City Council with a cost analysis of replacing all parking meter heads compared to installing parking meter pay stations throughout the City.

10-105 18. Ordered on a Motion presented by Councillors Rotondo, Reardon and Guinasso: That the Mayor request the Department of Public Works to make repairs at the following locations:

Pothole Repairs

- Hysil Ave.
- Furness St.
- 30 Eustis St. and Harris St.
- 57 Eustis St. (pothole and exposed gas valve)
- 66 Elm St.
- Intersection of Elm St./Library St.
- 84 Butler St.
- 127 Augustus St.
- 89 Milano Ave.
- Whitin Ext. in front of Terri's little Pumpkins.
- 22 and 24 Sprague
- 26 Tapley Ave.
- Intersection of 1 Fenno St./Broadway.
- 10 Rice Ave.
- Page St.
- Putnam St.
- 103 Cary Ave.
- 14, 22, and 62 Payson St.
- 55 Tuscano Ave.
- Intersection of Geneva St./Tuscano Ave.
- 640 Washington Ave.
- 24 Asti Ave.
- 15 Griswold St.
- 255-290 Grover St.
- 66 Amelia Pl.
- 1-9 Jordan St.
- 2-4 Colonial Rd.
- 57 Randall Rd.
- Intersection of Philomena Ave. and Aurelia Sylvia Dr.
- 130 Hutchinson St.

Sidewalk Repairs

- 64 Tapley Ave.
- Opposite 9 True St.
- 601 Washington Ave.
- 37 Amelia Pl.

Catch Basin Repair/Cleaning

- Sinking catch basin at 42 True St.
- Sinking catch Basin at 149 Randall Rd.
- Catch basin repair 12 Eustis St. and John Mooney Rd.
- Clean the storm drain at 141 Roland Rd.
- Clean the culvert at 345-347 Salem St.

Traffic Light Repair

- Repair directional sign in front of 732 Washington Avenue (the sign directing traffic from Stop and Shop)

10-106 19. Ordered on a Motion presented by Councillor Rizzo and Novoselsky: That the Mayor request the Chief of Police to monitor speeding traffic on Eliot Road, particularly during school hours when school is in session. Further, that the Superintendent of Public Works place signage on Eliot Road warning traffic to slow down in the interest of public safety.

10-107 20. Ordered on a Motion presented by Councillor Rizzo: That a Certificate of Commendation be presented to Doreen Cogliandro of Revere Karate Academy in recognition of celebrating 30 years of being in business and for their continued participation and service in our community.

10-108 21. Ordered on a Motion presented by Councilor Rotondo: That a Certificate of Appreciation be presented to Dennis Cataldo of Cataldo Ambulance for donating Automated External Defibrillator.

10-109 22. Ordered on a Motion presented by Councilor Rotondo, Haas and Reardon: That the Mayor utilize a portion of Chapter 90 funding to resurface and repair Page Street, Penn Street and Olive Street.

10-110 23. Motion presented by Councillor Rotondo: That the following sections of the SENIOR CITIZEN PROPERTY TAX WORK-OFF ABATEMENT program be amended as follows:

Section 2.88.040 “Eligibility” – That paragraph C be changed to read:

C. In no event shall a person be eligible for the senior citizen property tax work-off abatement program as a participant if such person's income exceeds thirty-five thousand dollars and no cents (\$35,000.) for single applicants or exceeds forty-five thousand dollars and no cents (\$45,000.) for married applicants.

Section 2.88.030 “Application Process” – That the first and second sentence of the section be changed to read:

A recent copy of your income tax statement be submitted with your application. The number of senior citizens participating in the program shall be limited each year to a minimum of 50 and maximum of 70.

Ordered referred to Ways and Means.

10-111 24. Motion presented by Councillor Rotondo: That the Revere City Council adopt the following policies and zoning to work toward Revere becoming a Green City:

- That the Zoning Ordinances of the City of Revere permit research, development, and manufacturing of renewable and alternative energy in the PPD1, PPD2, IP and TED zoning districts as a matter of right.
- That all future procurement of public works and public safety motor vehicles owned and operated by the City of Revere, as they are removed from service, shall only be replaced with vehicles that have above-average fuel efficiency within their size class as determined by the federal government fuel efficiency guidelines. Further, that non public safety vehicles owned and operated by the City of Revere, as they are removed from service, shall only be replaced with hybrid or electric vehicles.
- That the City of Revere reduce its baseline fossil fuel energy use by 20% within 5 years and create an energy account to retro-fit all municipal buildings with photovoltaic cells to help meet this goal.
- Additionally, that the City of Revere develop green building codes and standards so that every new home or commercial project in Revere be developed with a renewable energy component and efficiency standards for appliance, heat systems and construction material.

Ordered referred to Ways and Means

10-112 25. Ordered on a Motion presented by Councillor Novoselsky: That the Mayor request the DCR to complete the following requests:

1. Increase the westbound green light cycle at the Revere Beach Parkway and Winthrop Avenue intersection:

2. Install arrow lane markings for vehicles westbound at the Revere Parkway bridge at Winthrop Ave. as follows:

- a. Left lane - turn left only
- b. Middle lane - left turn only
- c. Right lane - straight arrow to Winthrop Avenue and right turn arrow.

10-113 26. Ordered on a Motion presented by Councillor Novoselsky: That the Mayor instruct the Superintendent of Public Works to have the Carpentry Department replace all the planks on the Bleachers at Curtis Park IMMEDIATELY. These bleachers are currently used by the RHS JV Baseball team and other Revere organizations. It is my understanding that people were recently injured at this location during a game. Please make this a PRIORITY.

10-114 27. Ordered on a Motion presented by Councillor Novoselsky: That the Mayor request the Department of Public Works to repair the lateral line in the vicinity of 25-26 Curtis Road. A sink hole keeps appearing in the middle of the street at this location. The highway crew has repaired it at least

four times in the last year. The catch basin at 25 Curtis Road overflows. Please take the necessary steps to correct this condition.

10-115 28. Ordered on a Motion presented by Councillor Novoselsky: That the Mayor instruct the Superintendent of Public Works to have the profane graffiti at Costa Park removed immediately. Also, that the rust be removed from the playground equipment and then repainted.

Ordered on a Motion of Councillor Haas: That the City Council now stand adjourned to meet on Monday, March 22, 2010.

ORDERED ADJOURNED at 6:00 P.M.

Attest:

City Clerk