

**City Councillor
Joseph A. DelGrosso
City Council Chamber
May 24, 2010**

Regular meeting of the Revere City Council was called to order at 7:00 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 Guinasso, Haas, Novoselsky, Patch, Powers, Reardon, Rizzo, Rotondo and Zambuto present. Councillor Colella absent.

3. The Approval of the Journal of the meeting held on May 10, 2010 was declared approved as presented.

The Journal was declared approved as presented.

4. Swearing in ceremony for newly City Councillor – Elect Corey Abrams.

City Clerk Ashley Melnik administered the Oath of Office to City Councillor-Elect Corey Abrams.

Public Hearings

C-10-09

09-10

5. Hearing called, as ordered, upon the application of Dr. Ernest and Barbara Powers, Jr., for a special permit to expand a nonconforming use (Dental Office) by constructing an addition to the existing dental office on Lot 208A and 276 Squire Road, Revere, MA.

Proponents

Atty. Abbene

Opponents

None

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

C-10-10

10-199

6. Hearing called, as ordered, upon the application of Dominic LaSala, for a special permit from the Revere City Council to convert a vacant commercial structure to a single family dwelling on Lots 6, 7, and 8 at 269 Revere Street, Revere, MA.

Proponents

Domenic LaSala, 222 Conant Street, Revere.

Opponents

None

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

Unfinished Business

Committee Reports

10-55 7. Re: Motion relative to increasing employee contribution for health insurance.

Ordered received and placed on file.

10-80 8. Re: Resolution pertaining to Gaming

Ordered received and placed on file.

The Appointment Committee recommends confirmation of the following appointees:

10-160 9. Re: Keith S. Hershenson as a Constable.

10-178 10. Re: Michael Gordon as a Licensed drainlayer for the City of Revere.

10-194 11. Re: Festa Construction Co., as a licensed drainlayer for the City of Revere.

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

The Public Safety Committee Committee Report

10-20 12. An Ordinance relative to Distracted Driving

It is the recommendation of the committee that the proposed ordinance be amended as follows. Further, that the proposed ordinance be referred to the City Solicitor as amended:

B.Offenses

No operator of a motor vehicle shall use a mobile telephone, mobile electronic device, or other device capable of accessing the

internet to compose, send, or read an electronic message while operating such vehicle. The use of amateur (ham) radios and citizens band (CB) radios while operating a motor vehicle shall not apply in this instance. ...

C. Enforcement

A violation of this section shall be punishable by a fine of one hundred (\$100.) dollars for the first offense, two hundred and fifty (\$250.) dollars for the second offense and five hundred (\$500.) dollars for the third and subsequent offense. ...

D. Exemptions

This section shall not apply to the following persons operating motor vehicles in the execution of their duties: 1) the driver of a fire-fighting vehicle; 2) the driver of a rescue vehicle or an ambulance; 3) a state, county, or local public official which includes any operator of a Revere Police Department motor vehicle and any operator of a Revere Department of Public Works vehicle; or 4) an amateur (ham) radio operator or a citizens band (CB) radio operator if operating the vehicle with due regard to the safety of others.

That the amendment to the proposed ordinance be referred to the City Solicitor for his opinion as to the legality of same.

10-162 13. Motion relative to Auxiliary Police Officers being placed on the regular detail list.

It is the recommendation of the committee to place the motion on file.

Councillor Novoselsky moved to place the subject matter on the table.

Subject matter tabled.

10-173 14. City of Revere petitioning for the storage of an additional 2,000 gallons of gasoline and diesel fuel underground on Lot 26 at 321A Charger Street.

Motion presented by the City Council: That in accordance with Chapter 148 Section 13 of the Ma. General Laws, that the request for additional storage of 2,000 gallons of gasoline and diesel fuel on Lot 26, at 321A Charger Street be granted.

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

10-159 15. MBTA’s response relative to the former bus stop at 594 Malden Street.

It is the recommendation of the committee to place the motion on file.

10-188 16. Motion relative staffing of the police department.

It is the recommendation of the committee to place the motion on file.

10-72 17. Motion relative to the demolition of the old Boy's Club building and the creation of a passive park in memory of the late City Councillor James R. Kimmerle.

It is the recommendation of the committee to place the motion on file. Further, that the Beachmont Beautification Committee be contacted for assistance in creating the passive park after the demolition of the old Boy's Club.

Ordered received and placed on file.

10-110 18. Amendment to the ordinances relative to the Senior Citizen Property Tax Work-Off Abatement Program.

It is the recommendation of the committee for the motion to remain committee. Further, that a copy of the original ordinance be given to the council for review.

Ordered referred back to Committee.

10-111 19. Motion relative to the adoption of various polices and zoning relative to becoming a "Green Community."

It is the recommendation of the committee for the council to report on this motion unfavorably.

Ordered received and placed on file.

10-117 20. Comm. from the Mayor relative to Free Cash certifications.

It is the recommendation of the committee to place the communication on file.

10-122 21. Motion relative to the review and adjustment of pay scales within the City as permitted by ordinance and M.G.L.

It is the recommendation of the committee for the council to report on this motion unfavorably.

Ordered received and placed on file.

10-130 22. Amendment to the ordinances relative to increasing free cash from 15% to 20%.

It is the recommendation of the committee for the motion to remain in committee. Further, that the Mayor and Director of Finance be requested prepare a report for the council outlining any possible financial repercussions if free cash were to be increased.

Ordered referred back to Committee.

10-175 23. Comm. from Lois T. Nilson relative to a work abatement wage increase.

It is the recommendation of the committee for this communication to remain in committee and that Ms. Nilson be invited to attend the next Ways & Means Committee meeting.

Ordered referred back to Committee.

Communications

10-200 24. Comm. from the Chief of Police:

Re: Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year 2010 Local Solicitation – City of Revere Police Department

This is a request by the Revere Police Department to include on the City Council agenda for the May 17, 2010 meeting, notification that the City of Revere Police Department will be applying by June 30, 2010 for the Fiscal Year 2010 Edward Byrne Memorial Justice Assistance Grant *(JAG) Program, Local Solicitation, in the amount of \$32, 592.00. This funding will be used to support grant administration. The application for this grant will be available for review at the Office

If you have any questions, please contact me via email at treardon@reverepolice.org.

Ordered received and filed.

10-201 25. Comm. from the Mayor:

Please be advised that in accordance 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 J. J. O'Brien and Sons, Inc., 5 Fern Street, Waltham, Ma. Scott Falconer, be reappointed as a Licensed drainlayer.

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

Mr. Falconer 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 application for reappointment.

Ordered referred to the Appointment sub-committee.

10-202 26. 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 F.E. French

Construction, Inc., 101-16 Clematis Ave., Waltham, MA 02453, Sean McLaughlin, Estimator, 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. McLaughlin 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.

10-203 27. Comm. from the Mayor:

Re: Local Option Meals Tax

As previously discussed, I am writing to renew my request that the City Council vote to adopt the local option meals tax. The goal would be to accept this local option prior to May 31, 2010 so that the meals tax will be in place for all of Fiscal Year 2011.

The rationale for this meals tax request is quite simple. Again in Fiscal Year 2011, the City will be facing very difficult financial circumstances. Under the recently adopted House Budget, the City's Unrestricted General Government Aid was *reduced* by 4%, a total reduction from last year of almost \$363,000. In conjunction with state assessments that have increased by almost \$470,000, the City's *net reduction* in cityside local aid for FY11 is likely to be in excess of \$800,000. (A copy of a draft FY11 Cherry Sheet is attached.) This is on top of the 28% reduction in local aid in FY10. Obviously, in these circumstances, the need for additional revenues is compelling.

The local meals tax seeks to add a mere 0.75% to local meals charges. This amounts to just \$0.75 on a \$100.00 meal. Frankly, I don't believe any objective observer could argue that someone will decline to patronize a Revere eating establishment based on this financial impact. Many of the City's nearby communities have already adopted this meals tax and are enjoying its financial benefits, including Boston, Chelsea, Everett, Winthrop, Medford, Melrose, Saugus, Somerville, Peabody, and Salem.

Adoption of the local meals tax should allow for the City to increase its estimated revenues for Fiscal Year 2011 by approximately \$300,000. While not enormous, these revenues may make it possible for the City to maintain current public safety levels once Federal Stimulus dollars are exhausted. Without the meals tax, it is unlikely that any of the City Council's many demands for greater public safety coverage will be met.

Local option taxes are hardly a panacea for the draconian local aid cuts we have suffered the past 18 months. Even with approval, the City will be relying upon significant Reserves to survive Fiscal Year 2011. However, the additional revenues generated by the meals tax will provide for lesser reliance

on Reserves and might just allow for extension of these rainy day funds until the financial storm finally abates. Further, over time, this new revenue source may provide some minor relief to overburdened residential property taxpayers.

Once again, I strongly urge the City Council to vote favorably on this local option.

Motion presented by the City Council: That the City Council move to approve the local option meals tax for the City of Revere.

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

Councillor Haas moved – immediate reconsideration on the subject matter hoping it would not prevail.

Reconsideration was declared Lost.

Councillor Haas referred back to the regular order of business.

10-180 28. **Comm. from the Mayor:**

Re: Reverse 911 System

I am writing in response to Council Order No. 10-180, which requests information on the City’s Reverse 911 system. I did previously provide much of this information by email, but I will restate it here.

The City’s existing Reverse 911 system was purchased with U.S. Homeland Security funds in the early 2000s. It was a system acquired regionally for all Greater Boston communities. It gives communities a handful of dedicated lines to make calls to persons in the Verizon telephone network.

For smaller communities, this kind of system works very well, because it can probably reach most residents within one day. However, in Revere, with 60,000+ residents and over 17,000 households, it takes 4+ days to get a phone message to every household. That is acceptable when we have advance notice of an issue -- like the start of street sweeping or an election date. But, when the message has to be delivered instantly to 60,000 residents, as was the case with the MWRA “boil water” order, this system is not useful.

Now, there are much more sophisticated systems we can purchase to generate calls, very quickly, to most of our 60,000 residents, even those not on the Verizon network. These are the kinds of systems necessary for true emergencies. For the past few months, Fire Chief Doherty and I have been discussing the possibility of acquiring such a system. But, there are no longer

Homeland Security grants available for this purpose. So, instead of a system free to the City, we will be looking at ones that cost in the vicinity of \$30,000+ annually.

Notwithstanding the cost, I do plan to move forward with the acquisition of such a system. Obviously, it will require some vote of funds by the City Council. I hope to be before the City Council with specifics on an appropriate system, and a source of funding, within the next few months.

Ordered received and filed.

10-188A 29. Comm. from the Mayor:

Police Reserve List

I am writing in response to Council Order No. 10-188A, which requested that I consider establishing a Police Reserve List. Although I had vetoed a similar Council Order in 2001, I signed this order for the purpose of giving the idea a fresh look.

After having reconsidered the matter, my conclusion from a decade ago has not changed. I still believe that establishment of a permanent Police Reserve List is unwise. I remain convinced that public safety reserve lists do not serve the best interests of the City. By allowing for persons to remain eligible for public safety positions many years after taking qualifying examinations, reserve lists do not necessarily provide a City with the opportunity to select for employment the best and the brightest. I feel the current system in place for selection of officers for the Revere Police Department is preferable: namely, every few years a new list is created based upon scores from the most recent examination. By requiring applicants to take a test every few years, the City is assured that prospective employees of the Revere Police Department maintain a sharp mind and motivated attitude.

I recognize that, notwithstanding my opinion, the City maintains a permanent Fire Reserve List. However, that list is a vestige of a long-standing past practice which I inherited when I became Mayor. I would not have created such Reserve List on my own initiative.

Ordered received and placed on file.

10-204 29A. Comm. from the Mayor:

Councillor Elect Corey Abrams has been assigned to the following 2010 Revere City Council sub-committee:

- *Appointments and Personnel Administration
- * Elder Affairs
- *Public Safety and Homeland Security
- *Public Works and Parks and Recreation
- *Zoning sub-committee.

Ordered received and placed on file.

10-205 30. Comm. from the Mayor:

Re: City of Revere Community Scholarship Presentation

I respectfully request that at the City Council's June 7, 2010 meeting, time be set aside at 5:00 PM for a presentation to Marissa M. Siraco, 44 Dix Street, Revere, Marissa is receiving a \$3,000.00 Scholarship from the Revere Community Scholarship Program.

Ordered received and filed.

10-206 31. Comm. from the Mayor:

Re: Loan Orders for Sewer and Drainage Work

I am writing to request a public hearing for two new Loan Orders for borrowing under the Massachusetts Department of Environmental Protection's Clean Water State Revolving Fund ("CWSRF"). The CWSRF was established to provide a low-cost funding mechanism to assist municipalities in complying with federal and state water quality requirements. In this round, the City is seeking to borrow funding for construction and planning for the following:

- (1) CWSRF Construction Project No. 3410 -- \$6,750,000 for construction of stormwater and wastewater capital improvements based upon last year's planning effort; and
- (2) CWSRF Planning Project No. 3411 -- \$750,000 for Phase II of the investigation and capital improvement planning for the City's stormwater and wastewater systems.

Both of these loans have received initial approval by DEP. (See DEP's Draft CY2010 CWSRF Intended Use Plan, pertinent portions of which are attached, as well as the proposed Scope of Work submissions).

As was the case last year, in order to take advantage of these 2% low interest loans, the City must complete two steps prior to June 30: approve a Resolution expressly authorizing the Mayor to file all applications and execute documents necessary for the loan; and approve a Loan Order for the balance. I have attached copies of the required Resolutions and Loan Orders.

The City Council should recognize that these significant borrowings within the City's Water & Sewer Enterprise Fund will likely be a regular annual event during the course of the next decade. The planning and construction work proposed with these new funds, as well as similar work necessary in future years, will be required commitments of the City's anticipated Consent Order, still under negotiation with the U.S. Dept. of Justice, to remedy historic violations of the Federal Clean Water Act.

Specifically, the work proposed for this new money will accomplish the following. First, the planning funds will be used to continue the investigation of another 40% of the City's wastewater and stormwater system. That investigatory work will form the basis for future construction funding requests. The \$6.75 million in construction funds will be utilized for three categories of work: (1) to rehabilitate pipelines and manholes to reduce inflow into the wastewater system; (2) to rehabilitate drainlines to improve flood control and reduce the amount of storm water entering the wastewater system; and (3) to substantially upgrade the wastewater pump station system which operates in the low lying areas west of Washington Avenue from St. Mary's Church to Bruno Street. This latter project includes a complete replacement of the three existing pump stations with two larger, newer sewer pump stations, as well as new piping, with the hope of significantly reducing the large number of sewer overflows that occur in this area during heavy rain events.

I ask that the City Council approve the Resolutions and move these Loan Orders to a public hearing at its earliest opportunity. In advance of the public hearing, I will arrange for the City's consultants, Camp Dresser & McKee, to provide for the City Council a demonstration and update of the previous work completed within our sewer system to meet the demands of the EPA, the U.S. Justice Dept. and the Consent Order. This background should assist the Council as it deliberates on this most recent funding request.

CWSRF CONSTRUCTION PROJECT NO. 3410

LOAN ORDER

ORDERED: that \$6,750,000 is appropriated to pay costs of constructing stormwater and wastewater improvements, including the payment of all costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$6,750,000 under G.L. c.44 or any other enabling authority; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust (the "Trust") established pursuant to Chapter 29C or from the Massachusetts Water Resources Authority (the "Authority") and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and a loan agreement and/or financial assistance agreement with the Authority and otherwise to contract with the Trust, the Authority, the Department of Environmental Protection or any other federal or state entity with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to

carry out the project.; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under G.L. c.44A any or all of the bonds and to provide such information and execute such documents as the Board may require for these purposes.

RESOLUTION

Whereas, the City of Revere, Massachusetts (the “City”), after thorough investigation, has determined that the work activity consisting of the construction of Stormwater/Wastewater Capital Improvements is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

Whereas, the Department of Environmental Protection (MassDEP) and the Massachusetts Water Pollution Abatement Trust (the Trust) of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth ("Chapter 21" and "Chapter 29C") are authorized to make loans to municipalities for the purpose of funding planning and construction activities relative to Water Pollution Abatement Projects; and

Whereas, the Applicant has examined the provisions of the Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED by the Revere City Council as follows:

- 1. That the Mayor is hereby authorized on behalf of the City to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the City for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the City in connection with this application;**
- 2. That the purpose of said loan(s), if awarded, shall be to fund the construction of Storm water/Wastewater Capital Improvements.**
- 3. That if said award is made the City agrees to pay those costs which constitute the required City’s share of the project cost.**

CWSRF PLANNING PROJECT NO. 3411

LOAN ORDER

ORDERED: that \$750,000 is appropriated for the purpose of financing the planning of Phase II of the City's Stormwater/Wastewater Capital Improvements, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c. 78; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$750,000 under G.L. c.44 or any other enabling authority; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust (the "Trust") established pursuant to Chapter 29C or from the Massachusetts Water Resources Authority (the "Authority") and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and a loan agreement and/or financial assistance agreement with the Authority and otherwise to contract with the Trust, the Authority, the Department of Environmental Protection or any other federal or state entity with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under G.L. c.44A any or all of the bonds and to provide such information and execute such documents as the Board may require for these purposes.

RESOLUTION

Whereas, the City of Revere, Massachusetts (the "City"), after thorough investigation, has determined that the work activity consisting of Phase II of the City's Stormwater/Wastewater Planning Study is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

Whereas, the Department of Environmental Protection (MassDEP) and the Massachusetts Water Pollution Abatement Trust (the Trust) of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth ("Chapter 21" and "Chapter 29C") are authorized to make loans to municipalities for the purpose of funding

planning and construction activities relative to Water Pollution Abatement Projects; and

Whereas, the Applicant has examined the provisions of the Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED by the Revere City Council as follows:

- 1. That the Mayor is hereby authorized on behalf of the City to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the City for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the City in connection with this application;**
- 2. That the purpose of said loan(s), if awarded, shall be to fund Phase II of the City's Storm water/Wastewater Planning Study.**
- 3. That if said award is made the City agrees to pay those costs which constitute the required City's share of the project cost.**

Ordered to a public hearing for June 21, 2010.

**10-207
Board:**

32. Comm. from the chairman of the Revere Retirement

The Revere Retirement Board hereby requests the Council's favorable consideration of acceptance of the provisions of Chapter 32, Section 20A, of the General Laws. Section 20A provides for the indemnification of retirement Board members to the same extent as that provided to other city officials and employees pursuant to Chapter 258, Section 13, which was accepted by the City of June 7, 1976, s. 1001, which was the predecessor statute to C. 258, s. 13.

We have enclosed copies of c. 32, s. 20A and Chapter 258, Section 13 for your review, and respectfully request the Council's approval .

Motion presented by the City Council: That the Council move to adopt Chapter 32, Section 20A of the Ma. General Laws.

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

10-198

33. Comm. from the Mayor:

Re: Wonderland Garage Design Build Procurement Request

As you know, the City, the MBTA and the Massachusetts Department of Transportation are currently in the process of reviewing construction bids for the Wonderland Station Parking Garage. Later this year, the City will

complete preliminary design for the Pedestrian Plaza and likewise advertise that project for public bids.

In an effort both to streamline the bidding process and reduce costs, the parties have engaged in an alternative Design-Build Procurement process under M.G.L. c. 149A for both the Parking Garage and the Pedestrian Plaza. However, before the procurement process is finalized, state law requires that the Massachusetts Office of the Inspector General approve this alternative Design-Build Procurement. As the recipient of the majority of funds utilized for construction of these projects (in the form mainly of Federal earmarks, the Federal TIGER Grant and the State MORE Grant), it is the City's responsibility to apply to the State Inspector General for this authorization. In order to proceed with that application, the City Council must approve the attached Resolution.

Based upon the above, I respectfully ask that the City Council approve the attached Resolution at its meeting on Monday, May 24, 2010. Time is of the essence because the parties hope to award the construction contract for the Parking Garage before the end of June, and some time will be required to obtain the IG consent.

Resolution offered by the Revere City Council:

Whereas, pursuant to the authority set forth in Chapter 841 of the Acts of 1975 and Chapter 877 of the Acts of 1977 and prior votes of the City Council including those taken on April 23, 2007, and August 27, 2007, the City of Revere has designated the Wonderland Transit Oriented Development for redevelopment into a multi phase, mixed use transit oriented development (the project);

Whereas, the City, in consultation with and concurrence of the Massachusetts Bay Transportation Authority (MBTA) and the Massachusetts Department of conservation and Recreation, has selected Eurovest Development, Inc. (the Redeveloper") as the redeveloper for the Project;

Whereas, the Development includes certain public infrastructure including, without limitation, the development of a parking garage on land owned by the MBTA adjacent to Wonderland Station, the relocation of a busway serving Wonderland Station, construction of ancillary improvements to Route 1A Butler Circle and the creation of a public plaza deck over Parcel H with access to Wonderland Station, a pedestrian bridge over Ocean Avenue to the Revere Beach Reservation and other public improvements related to the project (The Public Improvements).

Whereas, the Project cannot proceed until the Public Improvements are completed;

Whereas, the City, the MBTA and the Massachusetts Department of Transportation (MassDot) have agreed that the City and the Redeveloper

Will oversee the construction of the Public Improvements under the supervision of the MBTA and where applicable MassDot;

Whereas, the Public Improvements will be funded through a combination of state and federal funds including grants from the American Recovery and Reinvestment Act (The ARRA Funds);

Whereas, the use of ARRA Funds require that the public improvements be completed on an expedited basis, but in no event later than February 2012 (the ARRA Deadline);

Whereas, the Public Improvements cannot be completed by the ARRA Deadline utilizing traditional procurement methods;

Whereas, the City, the MBTA and Mass Dot have determined that the use of design build procurement pursuant to MGL, c. 149A (the Design Build Procurement) is appropriate for the construction of the Public Improvements, and otherwise is in the best interests of the parties to utilize the ARRA Funds;

Whereas, the MBTA and Mass Dot have designated the City as the awarding authority under MGL c. 149A for purposes of evaluating awarding and overseeing one or more design build Procurements for the Public Improvements;

Whereas, compliance with Federal and State procurement law due to the use of the ARRA funds and other federal and state funding sources preempts any conflicting City procurement ordinance;

Whereas, the City now wishes to confirm that the use of one or more Design Build Procurements is appropriate for the construction of the Public Improvements, and otherwise is in the best interests of the City and the project, and that the City act as the awarding authority under MGL 149A, for purposes of evaluating awarding and overseeing one or more Design – Build Procurements for Public Improvements;

Now Therefore, it is hereby:

Voted: That, for the reasons stated above, the City confirms that the use of Design Build Procurement is appropriate for the construction of the Public Improvements, and otherwise is in the best interests of the City and the Project;

Voted, The City confirms that it has the capacity and a plan and procedures in place to effectively procure and manage one or more Design Build Procurements for the Public Improvements;

Voted, that the City confirms that due to the use of the ARRA Funds and other Federal and State Funding sources for Public Improvements, Federal and State Procurement law re empts any conflicting City Procurement Ordinance;

Voted: That the City act as the awarding authority under MGL 149A for purposes of evaluating, awarded and overseeing one or more design Build Procurements for the Public Improvements;

Voted: That the City Enter into (i) one or more construction management Agreements with the Redeveloper (the CM Agreements) and (ii) one or more design build contracts with the general contractor (s) selected pursuant to the Design Build Procurements (The design build contracts)

Voted: That the City enter into such other agreements or take such other actions as maybe e necessary or desirable to develop the Public Improvements;

Voted: That his Honor the Mayor be authorized for and on behalf of the City and in its name to prepare executed acknowledge and deliver under seal if required or desirable, applications to the Mass. Inspector General required pursuant to MGL c. 149A and to take such other actions as may be required under MGLO, c. 149A or under any other applicable law in connection with the Design Build Procurement for the public improvements;

Voted: That his Honor, the Mayor be authorized for and on behalf of the City and in its name on behalf of the MBTA to prepare execute and acknowledge deliver under seal if required or desirable and perform the CM Agreements and the Design Build Contracts in such forms and with such terms and conditions as he shall deem necessary or desirable;

Voted: That his Honor the Mayor be authorized for and on behalf of the City and in its name to prepare execute acknowledge file record ratify confirm deliver under seal if required or desirable and perform all such other contracts, agreements instruments leases assignments deeds, certificates and other documents and to take all such other actions as he shall deem necessary or desirable to give effect to or otherwise carry the purposes of the foregoing Votes; and that the preparation, execution, acknowledgement filing recording, ratification, confirmation, delivery or performance of any such contracts, agreements, instruments leases assignments deeds certificates and other documents or the taking of any such acting, by him shall be conclusive evidence of its having been authorized by these votes; and that all such actions taken fro and on behalf of the Cit and in its name by His Honor, the Mayor before the date hereof which would be authorized if taken after the adoption of the foregoing vote be and they hereby are, and each of them hereby is approved , adopted ratified and confirmed.

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

Motions

10-195 34. Ordered on a Motion presented by Councillor Patch: That Charger Street be added to the Capitol Improvement street repaving list.

10-196 35. Ordered on a Motion presented by Councillor Reardon: That the Mayor instruct the secretary of the Licensing Commission to notify

the ward councillor of the submission of any application under the auspices of the Commission affecting any licensee or potential licensee in the Councillor's jurisdiction.

Further, that the City Clerk as well as the City Councillors be notified by email of the scheduled hearings.

10-197 36. Ordered on a Motion presented by Councillor Zambuto: That the Revere City Council award Certificates of Appreciation to the students who participated in the Revere Tsukidate Japanese Exchange Program.

10-192 37. Motion presented by Councillor Colella: That the Mayor and Board of Assessors be requested to have Patriot Properties prepare an informational insert to be included in each tax bill describing the methodology used to establish property valuations.

Remain on Table.

10-193 38. Ordered on a Motion presented by Councillor Patch: That the Mayor request Inspectional Services and the DCR to immediately investigate and remedy the rodent problem in the areas in and around Washington Avenue, Goldie Street, Bruno Street, and Sherman Street. The rodent problem has become progressively worse over the years and is becoming a major burden and health concern for the residents.

10-194 39. Ordered on a Motion presented by Councillor Patch: That the Mayor request the Department of Public Works to remedy the lack of proper drainage and catch basins in the Sherman Street area. The insufficient drainage in the area causes flooding when there is an occurrence of heavy rains.

10-208 40. Ordered on a Motion of Councillor Rotondo: That the Mayor look into the feasibility of having scrubbing software placed on all copiers leased or owned by the City of Revere that has a hard drive so to prevent the release of personal information from the Police Dept., Fire Dept. Treasurers or any other dept. Further, that the City of Revere investigates through its vendor where any of our formally leased copiers past 2002 are placed for sale and release and if the current vendor scrubs the hard drives of Critical personal information.

Ordered on a Motion of Councillor Guinasso: That the City Council now stand adjourned to meet on Monday, June 7, 2010 at 4:00 P.M.

Ordered adjourned at 6:10 P.M.

Attest:

City Clerk