

**City Councillor Joseph A. DelGrosso  
City Council Chamber  
June 07, 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: Councillors Colella, Guinasso, Haas, Novoselsky, Patch, Powers, Reardon, Rizzo, Rotondo and Zambuto voting "yes." Councillor Abrams absent.**
- 3. The Journal of the meeting held on May 24, 2010 was declared approved as presented.**

**Ordered received and placed on file.**

**UNFINISHED BUSINESS**

- 10-192 4. Re: Motion of Councillor Colella relative to Patriot Properties preparing an informational insert in all tax billings to residents.**

**Ordered subject matter taken from the table and Ordered.**

- 10-162 5. Re: Motion relative to placing Revere Auxiliary Police Officers on regular detail call list.**

**Communication from the Mayor relative to Special Police Officers:**

**Over the last few months, I have been working with the Police Department and the Public Safety Committee to draft some Special Legislation to bring some clarity and control to the current system whereby retired police officers and auxiliary officers work certain police details. Although retired officers and auxiliary officers have been performing detail work for many years, both in this city and in other municipalities, the legality of such work, the law to be applied when such an employee is injured on duty and the legal responsibility of the city in the event such employee injures another person in the performance of his/her duty, are murky at best.**

**To avoid any potential legal problems, some communities that allow for this practice of police details by retired and auxiliary officers have sought Special Legislation to outline the legal framework for such work. I have attached a draft of such Special Legislation, following the format utilized by the City of Fitchburg. I believe this Legislation is sufficient to eliminate any legal concerns that now exist about these police details. I ask that the City Council review this proposed Home Rule Petition and forward this or some similar language to our state delegation for passage.**

**AN ACT AUTHORIZING SPECIAL POLICE OFFICERS FOR THE CITY OF REVERE**

**Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:**

**Section 1. The mayor of the city of Revere may appoint, as he deems necessary, retired Revere police officers and Revere auxiliary officers as special police officers for the purpose of performing police details or any police duties arising therefrom or during the course of police detail work, regardless of whether or not related to the detail work. Only retired Revere police officers who had retired based on superannuation pursuant to section 5 of Chapter 32 shall be eligible for appointment under this provision. The special police officers shall be subject to the same maximum age restriction as applied to regular police officers under chapter 32 of the General Laws. Prior to performing police details, a special police officer shall be required to pass a medical examination by a physician chosen by the city to determine that he is capable of performing the essential duties of a special police officer. The cost of that medical examination shall be borne by the special police officer. Any person appointed as a special police officer who does not pass the required medical exam shall have his appointment automatically rescinded without recourse to any appeal.**

**Section 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws or to section 99A of chapter 41 of the General Laws.**

**Section 3. Special police officers shall, when performing the duties under Section 1, have the same power to make arrests and perform other police functions as do regular police officers of the city of Revere.**

**Section 4. Special police officers shall be appointed for an indefinite term subject to removal by the mayor at any time with 14 days written notice. Upon request, the mayor shall provide the reasons for removal in writing. The special police officer's appointment shall automatically terminate upon the officer's 65<sup>th</sup> birthday.**

**Section 5. Special police officers shall also be subject to the rules and regulations, policies and procedures and requirements of the mayor and the chief of police of the city of Revere, including restrictions on the type of detail assignments, requirements regarding medical examination to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms licensing and qualifications and requirements regarding uniforms and equipment. Special police officers shall not be subject to section 96B of chapter 41 of the General Laws.**

**Section 6.** Special police officers shall be sworn before the city clerk of the city of Revere who shall keep a record of all such appointments.

**Section 7.** Special police officers appointed under this act shall be subject to section 100 and section 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special officer working police details, or averaged over such lesser period of time for any officer designated as a special officer less than 52 weeks prior to the incapacity. In no event shall payment under section 111F of said chapter 41 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of said chapter 41 shall terminate when a special police officer reaches the age of 65. Special police officers appointed under this act shall not be subject to section 85I of said chapter 32, nor eligible for any benefits pursuant to that section.

**Section 8.** Retired Revere police officers, serving as special police officers under this act, shall be subject to the limitations on hours worked and on payments to retired city employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

**Section 9.** This act shall take effect upon its passage.

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

### **Communications**

**10-224**

6. Comm. from the Director of Finance:

Re: *2010-2017 Open Space and Recreation Plan*

Attached you will find the City of Revere’s 2010-2017 Open Space and Recreation Plan for your review and adoption. The purpose of this plan is to provide the City with a blueprint for ensuring that current and future residents of the City have ample opportunities for recreation and access to open space. The Open Space and Recreation Plan is a prerequisite for filing any grant applications with the State and Federal Governments for parkland and open space funding.

The plan was developed by the Department of Planning and Community Development with assistance from the Department of Parks and Recreation, the Department of Public Works, and the Metropolitan Area Planning Council. The City secured MAPC’s assistance through a \$30,000 grant from the Executive Office of Energy and Environmental Affairs. The plan was prepared with valuable input from various city and local agencies

and sports groups through a series of public meetings. It was developed with the following goals in mind:

**Goal #1: Provide recreational opportunities for residents of all ages and abilities;**

**Goal #2: Protect and preserve Revere's natural resources;**

**Goal #3: Develop facilities and programs that promote fitness and health;**

**Goal #4: Improve stewardship of the parks;**

**Goal #5: Develop partnerships and engage in regional collaboration to maximize limited resources and**

**develop regional open spaces; and**

**Goal #6: Ensure that the plan takes into account environmental justice and equity.**

I will be available along with City Planner Frank Stringi and Joan Blaustein from MAPC to provide an overview of the plan and go over its specific recommendations at the City Council meeting on June 7, 2010. We hope that the City Council will adopt the plan following that presentation.

Addressing the Council at this time was

**Frank Stringi  
Joan Blaustein**

**Ordered: That the City Council move to adopt the 2010 – 2017 Open Space and Recreation Plan.**

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

**10-221                    7.     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 Meola Construction Corp., 157-165 Clark Avenue, Chelsea, MA 02150, be re-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. Meola 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 re-appointment.**

**10-133                    8.     Comm. from the City Treasurer:**

**I am writing in response to Council Order 10-133 which requests an overview of the financing of school building projects.**

**The City is in the process of finalizing the low interest loan portion of the new Paul Revere School finance plan which will be completed by the end of June of this year. In the meantime, I contacted Mr. Vincent Alabiso of the Massachusetts School Building Association for a proposed repayment schedule for the loan. It was received by my office today and I have attached it to this response for your review. Please note: I will add this information to the Debt Schedule when it is finalized.**

**The City has received the total amount of the State reimbursements for the new construction of the West Revere Complex and the New Rumney Marsha Academy. The City received the total approved reimbursements for these School Buildings.**

**The amounts are listed below:**

<b>New Rumney Marsh Academy</b>	<b>\$28,333,994</b>
<b>New Whelan School Complex</b>	<b>\$34,562,419</b>

**The New Paul Revere School –**

**The Finance Plan for this project is as follows:**

<b>Total cost of the project</b>	<b>\$17,409,000</b>
<b>Reimbursement (MSBA)</b>	<b>9,677,250</b>
<b>City Share</b>	<b>1,740,900</b>
<b>Low interest Loan</b>	<b>5,990,850</b>

**The last reimbursement from MSBA was requested on 4/14/2010. The City has not received the monies at this time which is (\$2,110,345).**

**There is a Bond Anticipation Note (BAN) due on August 6, 2010 in the amount of \$5,000,000 with interest due of 26,944.44. On that date in August the city will serialize the local share of \$1,740,900 and retire the remaining amount of the BAN.**

**The Beachmont School Roof replacement is the only other construction project that relates to school buildings. This project has been completed. The cost was approximately 2.3 million dollars. This was funded along with other energy savings Projects by means of the Ameresco contract. There is no reimbursement from the MSBA scheduled for this roof project.**

**The financial impact on the City is shown on the debt statement that was distributed to the Council in March. The only amount that the City serialized on any of the School Building Projects was the local share. The repairs to the Beachmont roof were rolled into the AMERESCO bond authorization and that is also shown on that debt statement. This can be considered a replacement of the payments that were previously made by the School Department to Honeywell Inc. for energy purposes.**

**Please note: In the event that the City is required to pay interest on BANs, the MASBA reimburses the City ninety percent of that amount. This reimbursement of interest is placed into the account that was established by CH 380 Acts of 2002 of the Massachusetts General Laws.**

**This narrative was proposed to respond to the specific inquiries that were made in the City Council Order. If there is any further information that is necessary please contact me.**

**Communication received and made part of Council Order #10-133.**

**10-222 9. Communication from Paul Dakin:**

**At a meeting of the School Committee held on May 25, 2010, the following vote was passed:**

**That we forward a request to the Honorable City Council to vote that the Silvio Cella Memorial be placed outside the front of the high school where it will be an appropriate remembrance to his time as an educator in the Revere Public schools and his service in the US Marine Corps.**

**Ordered on a Motion of Councillor Reardon: That the rules be suspended at this time for the purpose of entertaining an oral motion relative to having a memorial placed outside the front of the High School in memory of the late Silvio Cella. Mr. Cella was a Veteran as well as an educator in the Revere Public Schools.**

**Councillor Novoselsky moved, at this time, while under the suspension of rules to take up late motions.**

**Rules are suspended.**

**10-222A 10. Ordered on a Motion of Councillor Novoselsky: That the Mayor request the Director of Veterans Services and the Revere Department of Public Works to have a Veterans Memorial sign erected for Robert Goldstein SGT Army Air Corp. WW2. The sign to be placed on Dehon Street at the corner of Nahant Avenue near #72 Dehon Street.**

**10-223 11. Ordered on a Motion of Councillor Guinasso: That the Mayor request the Parking Control not to issue parking violations for street sweeping on McCoba Street as there is no signage indicating street sweeping restrictions.**

**Councillor Novoselsky referred back to the regular order of business.**

**10-194 12. Comm. from the Mayor:**

**I am writing in response to Council Order No. 10-194, which requests that the City remedy the drainage problem on Sherman Street.**

As I have as I explained to the City Council in the past, installing a drainage system on Sherman Street is a major, and likely a very expensive, infrastructure improvement. Sherman Street has never had a drainage infrastructure system. Instead, the street was originally designed for water to sheet drain to the culvert. The first step in proceeding with such a system would be a design analysis by an engineering consultant.

At this point, I would suggest that we hold off on any design work until CDM has completed its work on its multi-year Wastewater/Drainwater Collection System Capacity Assessment, a requirement of both the existing EPA Administrative Order and the proposed Consent Decree with the U.S. Department of Justice. That Assessment will require that the City prioritize future sewer and drainage infrastructure improvements. The schedule for those improvements will need to be negotiated with, and finally approved, by both EPA and DOJ. Where drainage upgrades to Sherman Street may fit into such a schedule is uncertain at this point.

By no means am I attempting to ignore the issues on Sherman Street. However, given the likely high price of a drainage installation project on this street, we will need to make certain that it fits properly within the funding and priority framework of the Consent Order.

Ordered received and filed.

10-225      13.    Comm. from the Mayor:

Re:    *ETP Funding Requests*

In accordance with a favorable vote of the ETP Committee, I am writing to request that the City Council approve expenditures from the ETP account to provide for four (4) \$2,000 scholarships provided to RHS seniors. The total amount requested is \$8,000.00. The Auditor has verified the availability of funds.

Motion presented by the Council: That the following sum be and hereby is raised and appropriated by transferring said sum as follows:

<u>FROM</u>	<u>TO</u>
Education Telecommunications Program	RHS Scholarships for Four Students
\$8,000.00	\$8,000.00

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

10-020      14.            Comm. from the City Solicitor:

Legal Opinion – Proposed Distracted Driving

The City Council seeks an opinion as to the legality of the above-referenced ordinance, which, if passed, would prohibit drivers from cell phone texting while operating a motor vehicle in the City of Revere. Unfortunately, in this instance an ordinance seeking to regulate the operation of motor vehicles is preempted by state law, and thus not advisable.

Local ordinances relating to the operation of motor vehicles must be consistent with the provisions of Massachusetts General Laws Chapter 90 (Motor Vehicles), as governed by Article 89, Section 6, of the Amendments to the Massachusetts Constitution (the Home Rule Amendment). According to Section 6:

[a]ny city or town may, by the adoption, amendment, or repeal of local . . . [ordinances], exercise any power or function which the general court has power to confer upon it, *which is not inconsistent with the constitution or laws enacted by the general court . . .*

(Emphasis added.)

“In deciding whether under Section 6 of the Home Rule Amendment an . . . [ordinance] is not inconsistent with the constitution or laws enacted by the general court . . . we have said that “[t]he legislative intent to preclude local action must be clear.” *Town of Wendell v. Attorney General*.<sup>1</sup> “To determine whether a local ordinance is inconsistent with a statute, this court has looked to see whether there was either an express legislative intent to forbid local activity on the same subject or whether the local regulation would somehow frustrate the purpose of the statute so as to warrant an inference that the Legislature intended to preempt the subject.” *Boston Gas Co. v. City of Newton*.<sup>2</sup> “In some instances, legislation on a subject is so comprehensive that an inference would be justified that the Legislature intended to preempt the field.” *Town of Wendell*.<sup>3</sup> In *Wendell*, the Court found that G.L. c. 132B was a state-wide “comprehensive” act that preempted further regulation by municipalities within that area of concern, i.e., the use and applications of pesticides.

General Laws Chapter 90, and the regulations promulgated thereunder, constitutes a *comprehensive scheme* of regulation that preempts the proposed

<sup>1</sup> 394 Mass. 518, 523 (1985), quoting *Bloom v. Worcester*, 363 Mass. 136, 155 (1973).

<sup>2</sup> 425 Mass. 697, 699 (1997), citing *Boston Gas Co. v. City of Somerville*, 420 Mass. 702, 704 (1995).

<sup>3</sup> 394 Mass. at 524.

**“Distracted Driving” ordinance. General Laws Chapters 89, 90, 90C, and 90D, and their accompanying regulations, specifically the Rules and Regulations established by the Registrar of Motor Vehicles at 540 C.M.R., provide a comprehensive statutory scheme for the regulation and operation of motor vehicles in the Commonwealth.**

**In the case of *American Motorcyclists Association v. Park Commission of Brockton*,<sup>4</sup> the court struck down local regulation banning the use of motorcycles because it was inconsistent with the state statute granting the right to operate motor vehicles. The right to operate a motor vehicle is a privilege “conditioned on obedience to the Legislature’s comprehensive regulatory scheme aimed at regulating the motorways and keeping them safe.” *Luk v. Commonwealth of Massachusetts*.<sup>5</sup> Chapter 90 provides a detailed treatment of the operation of motor vehicles in the Commonwealth by allowing certain acts and prohibiting others. Chapter 90 also explicitly provides for municipalities to regulate certain areas (for example, G.L. chapter 90, § 18).<sup>6</sup> However, nothing in ch. 90 would expressly authorize local laws of the kind currently proposed by the Council.**

**More importantly, section 13 of Chapter 90 explicitly deals with the use of cellular phones while operating a motor vehicle. Section 13 prohibits drivers**

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<sup>4</sup> 412 Mass. 753, 756 (1992).

<sup>5</sup> 421 Mass. 415, 423 (1995).

<sup>6</sup> The city council, . . . may make special regulations as to the speed of motor vehicles and may prohibit the use of such vehicles altogether on such ways; provided, however, that except in the case of a speed regulation no such special regulation shall be effective unless it shall have been published in one or more newspapers, if there be any, published in the town in which the way is situated, otherwise in one or more newspapers published in the county in which the town is situated; nor until after the department, and in the case of a speed regulation the department and the registrar, acting jointly, shall have certified in writing that such regulation is consistent with the public interests; provided, however, that nothing herein contained shall be construed as affecting the right of the metropolitan district commission or of the department of environmental management to make rules and regulations governing the use and operation of motor vehicles on lands, roadways and parkways under its care and control. No such rule or regulation shall prohibit the use of passenger or station wagon type motor vehicles whose gross weight is less than five thousand pounds and which are registered for commercial use on ways where noncommercial passenger type motor vehicles are permitted to operate. No such regulation shall be effective until there shall have been erected, upon the ways affected thereby and at such points as the department and the registrar, acting jointly, may designate, signs, conforming to standards adopted by the department, setting forth the speed or other restrictions established by the regulation, and then only during the time such signs are in place. Any sign, purporting to establish a speed limit, which has not been erected in accordance with the foregoing provisions may be removed by or under the direction of the department.

Any person, corporation, firm or trust owning a private parking area or owning land on or abutting a private way, or any person, corporation, firm or trust controlling such land or parking area, with the written consent of the owner, may apply in writing to the city council, the traffic commission of a city or town having a traffic commission, the transportation commission of the city of Boston or the board of selectmen in any town in which the private way or parking area lies, to make special regulations as to the speed of motor vehicles and as to the use of such vehicles upon the particular private way or parking area, and the city council with the approval of the mayor, the traffic commission of a city or town, the transportation commission of the city of Boston or the board of selectmen, as the case may be, may make such special regulations with respect to said private way or parking area to the same extent as to ways within their control and such special regulations shall not be subject to approval by the department or the registrar; provided, however, that any traffic signs, signals, markings or devices used to implement such special regulations shall conform in size, shape and color to the most current manual on uniform traffic control devices.

**from engaging in activities that interfere with or impede the use of a motor vehicle and provides in part the following:**

**No person, when operating a motor vehicle, shall permit to be on or in the vehicle**

**or on or about his person anything which may interfere with or impede the proper operation of the vehicle or any equipment by which the vehicle is operated or**

**controlled, *except that a person may operate a motor vehicle while using a citizens***

***band radio or mobile telephone as long as one hand remains on the steering wheel***

***at all times.***

**(Emphasis added.)**

**The prohibition established in the first sentence of Section 13 specifically excludes cell phones as long as at least one hand remains on the steering wheel. This express reference to cell phone use while driving, coupled with the comprehensiveness of the statutory and regulatory scheme of Chapter 90, serve to support the conclusion that local regulation of cell phone use while driving has been preempted by state law.**

**Having concluded that G.L. ch. 90 is a comprehensive act, the passage of the Distracted Driving Ordinance would frustrate the statutory intent of having uniform statewide safety standards.<sup>7</sup> Clearly, statewide safety standards cannot be achieved if each municipality in the Commonwealth were able to allow, prohibit, or place limitations on cellular phone use while operating motor vehicles.**

**Safety is compromised if operators have to end calls and resume calls depending on the municipality through which they are driving. The inherent mobility of motor vehicles allows people to travel through a number of municipalities in a matter of minutes. If each municipality were allowed to have its own regulation on cellular phone use I can imagine instances where a driver is so preoccupied with having to end or resume a call that road safety would be seriously compromised. For the above stated reasons the proposed ordinance is preempted by state law and therefore should be withdrawn.<sup>8</sup>**

**My opinion notwithstanding, there is a bill pending before the state legislature that, as proposed, would ban all cell phone use except for hands-free models with voice activated dialing. The bill would also ban all texting while driving and**

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<sup>7</sup> See *Town of Wendell*, 394 Mass. at 529.

<sup>8</sup> The analysis, reasoning, and the majority of text of this opinion is taken from a March 2, 2001 Attorney General's Opinion Letter, by Kelli E. Lawrence, Assistant Attorney General, Municipal Law Unit.

prohibit the use of any cell phones by drivers under the age of 18. The bill, filed in the House, had overwhelming support before moving to the Senate, which amended the bill. When last I checked the bill was in conference committee.

10-226      15.    Comm. from the Mayor:

Re: Foreclosure Counseling Services

I am writing to request that the City Council approve another one year contract with Chelsea Restoration Corporation (CRC) for the purpose of continuing its mortgage and foreclosure counseling services to Revere residents for Fiscal Year 2011.

I am writing to request that the City Council approve another one year contract with Chelsea Restoration Corporation (“CRC”) for the purpose of continuing its mortgage and foreclosure counseling services to Revere residents for Fiscal Year 2011.

As you know, for the past three years, in addition to being the City’s Court-appointed Receiver for abandoned properties, CRC has also been providing counseling and negotiation services to local homeowners facing the possibility of foreclosure. During this time, CRC has assisted numerous Revere homeowners, in many cases helping them successfully refinance or otherwise modify an existing loan and thereby preserve their home. I consider this program an unqualified success.

Unfortunately, the foreclosure crisis which generated the need for these unique services by CRC has not abated. Revere continues to suffer from very high rates of foreclosure activity. Accordingly, the need for CRC’s counseling services remains pressing.

In order to extend our contract with CRC for these critical Services in FY11, I am requesting an appropriation of \$18,000 from the Community Improvement Trust Fund. (A copy of the proposed contract extension is attached.) The monies will be utilized by CRG to cover the administrative costs incurred in providing the necessary counseling expertise to homeowners threatened with foreclosure. Housing initiatives such as this are among the express goals of the Community Improvement Trust Fund legislation. See Revised Ordinances of the City of Revere, Title 17, Chapter 17.47, Section 7.47.030.

Based upon the above, I respectfully request that the City Council approve a payment of \$18,000 from the Community Improvement Trust Fund to CRC. The Auditor’s Verification of Funds is attached.

**Motion presented by the City Council:**

**That the City Council hereby approve another one year contract with Chelsea Restoration Corporation (“CRC”) for the purpose of continuing its mortgage and foreclosure counseling services to Revere residents for Fiscal Year 2011.**

**Motion was declared ORDERED on a Roll Call: Councilors Colella, Guinasso, Haas, Novoselsky, Patch, Powers, Reardon, Rizzo, Rotondo and Zambuto voting “YES”. Councillor Abrams absent.**

**Motion presented by the City Council:  
That the City Council move to approve payment from the Community Improvement Trust Fund to the following:**

**Payment of \$18,000.00 to Chelsea Restoration Corporation**

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

**10-193      16.            Comm. from the Mayor:**

**Re : PROPOSED FY 11 BUDGET**

**The proposed FY11 Budget is now at the printer. I will be providing you with hard copies of the Budget with Appendix and a separate itemization of the proposed FY11 Water & Sewer Enterprise Fund during the day on Monday, June 7, 2010. In the interim, I have attached the Budget’s Summary Documents, a draft Pro Forma Tax Recapitulation Sheet and the most recent DOR Cherry Sheet which outline the proposed budget numbers and local aid figures.**

**As you will see, the total proposed City budget is \$135,799,115, an increase from last year of \$8,668,590. This very large increase is driven by the following factors.**

**First, the Revere School Department Budget is set at \$57,364,683, an increase from last year of \$3,186,499. Unlike last year, when “off-budget” ARRA money provided substantial support for the School Department budget, this year the Commonwealth increased Chapter 70 money to make up for the loss of Federal Stimulus dollars. That is the reason for the large increase in Chapter 70 aid on the Cherry Sheet.**

**The proposed School Department Budget will be voted by the School Committee in mid-June. The recommended number reflects the most recent information from the Department of Elementary and Secondary Education (“DESE”) regarding the City’s required minimum contribution. DESE has not yet recalculated its formulas based upon the different House and Senate Chapter 70 budget numbers. When the Commonwealth’s budget is finally approved, there could be a change to the Chapter 70 appropriation and/or to the City’s required minimum contribution to the School Department, but I don’t anticipate that the differences, if any, will be substantial.**

**Second, the FY11 Budget reflects all of the contractual salary adjustments that were deferred by the unions last year. They now take effect**

**in FY11. These salary numbers also reflect the reopening of City Hall on all but the last Friday of each month.**

**Third, Group Health Insurance has increased in the FY11 Budget by \$2,719,473. However, the actual increase over last year is \$969,473. The balance of \$1,750,000 reflects Budgeted School Department health insurance costs that last year were paid “off-budget” by Federal Stimulus dollars.<sup>9</sup>**

**Fourth, the MWRA Water & Sewer Assessments have increased by \$815,830. That increase will likely result in a significant water and sewer rate increase for July 1.**

**Last, there is a large increase in the Police Department Budget of \$854,228. This is the only Department where the Budget contains new positions. The Police Department FY11 Budget reflects a proposed contingent of 89 officers, two more than currently staffed. This is consistent with the agreement which we reached in conjunction with the approval of the local option Meals Tax.**

**The Police Department Budget actually finances 84 officers, 8 more than appeared last year, but 5 short of the total contingent. The need to fund 8 more officers from last year is due to an expected loss of Federal Stimulus funding during FY11. Nevertheless, we are anticipating grant funding for the 5 remaining unbudgeted officers. Two (2) additional officers are school based and subsidized by the Revere School Department Budget. The City expects that the remaining three (3) officers, not directly covered in the Budget, will be funded by some combination of federal and state grants.**

**You will notice that I have added some funding to DPW Overtime accounts. This reflects the reality that the cutbacks last year were too severe and failed to provide sufficient funding for the typical emergency work required of the DPW.**

**As I have stated many times, the proposed budget will require the use of significant Reserves. At this point, I estimate that the number is likely to be in the \$2 million range. The precise amount of Reserves necessary to balance the budget will not be ascertainable until I know the following: the amount of additional appropriation reductions voted by the City Council; and the City’s New Growth numbers (which likely won’t be available from the Board of Assessors until the Fall).**

**With the expected use of approximately \$2 million in Reserves, the City will have substantially depleted its Reserves, and will likely not have sufficient monies to balance our budget beyond FY12. We will have to hope that the City’s economic situation improves substantially for FY13.**

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<sup>9</sup> The \$1,750,000 paid last year in Federal Stimulus dollars appears this year as part of the City’s Chapter 70 School DEPARTMENT LOCAL AID.

I will be available, along with Department Heads, to discuss the proposed budget with the Ways and Means Committee or any individual Councilor who has questions.

Ordered referred to Ways and Means.

Motion to accept committee report relative to  
Economic Development and Land Sales Committee:

10-192A 17. Communication from Frank Ferrera relative to Spray Avenue.

Referred back to Committee.

10-174 18. Communication from Stephen P. Delena and William & Lorraine Scally of 272 and 274 Endicott Avenue, Revere, MA relative to a bid for purchase of land known as Cliff Road.

Ordered on a Motion of Councillor Haas: That the City Clerk draft a resolution to allow property to be purchased by petitioner.

10-125 19. Motion presented by Councillor Rotondo relative to increased parking at city hall.

Motion was placed on file.

### MOTIONS

10-209 20. Ordered on a Motion presented by Councilor Rizzo that a Certificate of Commendation be given to the coaches and members of the Revere Middle School Girls Softball Team consisting of 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> graders, in recognition of their tremendous 2010 season where they achieved a perfect record of 16-0 playing a Freshman schedule throughout the Northeast Conference.

10-210 21. Ordered on a Motion presented by Councillor Powers: That the Mayor request Mass Highway to re-erect the large traffic directional sign which was knocked down at the bottom of the Route 1A ramp to the Lynnway.

10-211 22. Ordered on a Motion presented by Councillors Rizzo, Powers, and Novoselsky: That the Mayor request the Department of Conservation and Recreation to take aggressive action towards littering on Revere Beach. Also, that adequate barrels and trash pickups be scheduled to encourage proper disposal of trash and other waste as well as signage posted all along Revere Beach Boulevard letting people know that there are strict financial penalties for people who are caught littering or illegally dumping. Further, that a letter to our State Delegation be sent on behalf of the Revere City Council and the Administration asking for the DCR to take action or allow local authorities, with respect to ticketing persons on Revere Beach Reservation, caught littering similar to the non dispositional fines issued locally through our Health and Building Departments.

**10-213** 23. Ordered on a Motion presented by Councillor Powers: That the refurbishing of the playing fields adjacent to the Paul Revere School be included as part of the overall new Paul Revere school building project.

**10-214** 24. Ordered on a Motion presented by Councillor Rotondo: That the Mayor request MassHighway to replant the trees abutting the residences of Dale Street which were removed near billboard number 10378-33750.

**10-215** 25. Ordered on a Motion presented by Councillor Patch: That a Certificate of Commendation be awarded to Richard Joseph Serino for obtaining the rank of Scout Eagle in the Boy Scouts of America.

**10-216** 26. Ordered on a Motion presented by Councillor Patch: That the Mayor request the Chief of Police to investigate the parking problem occurring at the Salem Street apartments. Also, that patrols be sent to the park located at North Marshall Street and the park located at the corner of Newhall Street and Sargent Street. The reoccurring problem of youths loitering at the parks during the evening hours is becoming intrusive on the residents living near these parks.

**10-217** 27. Motion presented by Councillor Abrams: That the Mayor request the Department of Public Works to repair the sidewalk at the corner of 89 Beach Street and Mill Street. The cracks and uneven surfaces are becoming increasingly worse and are a safety hazard to pedestrians.

Remain on the table.

**10-218** 28. Motion presented by Councillor Abrams: That the Mayor request the Department of Public Works to repair the sidewalk at 41 Hall St. to the corner of 57 Mill St. The cracks and uneven surfaces are becoming increasingly worse and are a safety hazard to pedestrians.

Remain on the table.

**10-133A** 29. Ordered on a Motion presented by Councillor Colella: That the Mayor provide to the City Council a debt service schedule for the loan order in the amount of \$6,750,000 and the loan order amounting to \$750,000 and that the Mayor make available these schedules one week prior to the public hearing which is to take place on June 21<sup>st</sup>.

Further, that a status report relative to Council Order #10-133 be forwarded to the City Council (see attached).

**10-220** 30. Ordered on a Motion presented by Councillor Haas: That the Director of Finance look into the feasibility of creating a lock box system for real estate taxes, personal property taxes, (water and excise taxes). This will enable payments from citizens to be processed in a timely manner freeing up much needed resources.

**Ordered on a Motion of Councillor Novoselsky: That the City Council now stand adjourned to meet on Monday, June 21, 2010 at 4:00 P.M.**

**Ordered adjourned at 7:07 P.M.**

**Attest:**

**City Clerk**