

**City Councillor
Joseph A. DelGrosso
City Council Chamber
Calendar
August 30, 2010
Public Hearings**

5:30 P.M. Committee of the Whole – (SP) 2 Malden Street

5:45 P.M. Zoning Sub-Committee – (SP) 1027 Broadway

6:00 P.M. Salute to the Flag

Roll Call of the Members

**Approval of the Journal of the meeting held on
August 9, 2010.**

**10-292 Representatives from NationalGrid will discuss the trenching
work on North Shore Road and the Oak Island area.**

Public Hearings

**C-10-18 Hearing called, as ordered, upon the application of Lighthouse
Nursing Care Center, 204 Proctor Avenue, Revere, Massachusetts
requesting a special permit to enable the applicant to construct a
twelve (12) space parking lot for use by the Lighthouse Nursing
Care Center on Lot C at 273 Mountain Avenue, Revere, MA.**

**C-10-19 Hearing called, as ordered, upon the application of Walter
Zenkin, 169 Squire Road, Revere, Massachusetts requesting a
special permit for the installation and modification of a standing
accessory sign (6' width x 10' length) not to exceed 25' in height
on Lot 101-105 Lechmere Street, at the intersection of Squire
Road, at 163-169 Squire Road, Revere, MA.**

**C-10-20 Hearing called, as ordered, upon the application of James
D'Amico, 473 Broadway, Chelsea, MA requesting a special permit
for the modification of a nonconforming structure and pre-
existing nonconforming use for the creation of a professional
office use (real estate office). Further, to alter and expand two
nonconforming signs by constructing a (4' W x 5' H) standing
sign and a (24" W x 36" H) traffic direction and parking sign on
Lot – at 16 Pleasant Street, Revere, MA.**

Unfinished Business

**10-287 Re: Motion by Councillor Colella relative to the illegal disposal of
waste in public receptacles. (Tabled on August 9, 2010)**

**10-294 Re: Motion by Councillor Rotondo relative to Certificates of
Merit. (Tabled on August 9, 2010)**

10-296 Re: Motion by Councillor Novoselsky relative to a Traffic Commission Public Hearing. (Tabled on August 9, 2010)

Committee Reports

In accordance with Rule 23, the following council order is being reported out of committee with the recommendation that it be placed on file.

10-020 Proposed “Distracted Driving” Ordinance.

Committee on Zoning Report

Committee of the Whole Report

Communications

Comm. from the Mayor relative to Moody’s rating.

Comm. from the Superintendent of Public Schools relative to the Paul Revere School Open House.

Motions

10-301 Motion presented by Councillors Colella and Patch: Due to the significant increase in the FY2011 water and sewer rates and the public outcry for an explanation, that the Mayor request the City’s outside auditor, Melanson and Heath, to conduct an audit of the City of Revere Water and Sewer Enterprise Fund, and detail the methodology used by the City to establish the Fiscal Year 2011 water and sewer rates, including absorption of any prior year deficits into the FY2011 water/sewer rates.

10-302 Motion presented by Councillor Reardon: That the Mayor request Veteran’s Services to dedicate a Memorial Square at the corner of Arnold Street and Dale Street in memory of Rocco J. Antonelli, PFC, Army and Anthony J. Antonelli, SPS, Army.

10-303 Motion presented by Councillor Rizzo: That Certificates of Appreciation be awarded to Eileen Mundis and Jamie Farrell of The Beachmont Neighborhood Watch in recognition of their community service and ongoing effort to combat crime by bringing neighborhoods together in a unified effort to make their families and neighborhoods safe and informed.

10-304 Motion presented by Councillor Powers: That the Mayor request the Department of Conservation and Recreation to place a stop sign at the bottom of the ramp that exits 1A onto Lynnway opposite Lancaster Avenue.

10-135A Motion presented by Councillor Colella: In response to the multiple concerns voiced by the disabled patrons of the Northgate Shopping Plaza, that the Mayor provide a complete status report relative to Council Order 10-135 dated April 5, 2010: “That the Mayor request the Director of Inspectional Services in conjunction with the Director of Handicap Affairs to direct the owners of Northgate Shopping Plaza to re-install the handicap

ramps intermittently along the sidewalk for the entire length of the shopping plaza to allow those with disabilities access to the shops.” As of today the work has yet to be completed.

10-305 Motion presented by Councillor Novoselsky: That the Mayor request NationalGrid to install a new street light on Pole #1637 at 24 Curtis Road. This particular area is dark and has been prone to house and vehicle breaks-ins.

10-306 Motion presented by Councillor Rotondo: That the City of Revere, as a matter of proper business practice, mandate that all persons or vendors doing business with the City of Revere provide a valid picture ID and CORI check upon application or submission for bids or employment within the City of Revere.

10-307 Motion presented by Councillor Rotondo: That the draft of the following code of conduct be submitted to the Revere City Council for review and revision. Further, that upon acceptance of said code of conduct that special legislation be drafted and sent to the State Legislature for a charter change.

Code of Ethics

Introduction.

This article establishes detailed standards of conduct for officials and employees of the city of Revere, subsequent to chapter 268A, section 23 of the Massachusetts General Laws. The basic rules of conduct set forth in chapter 268 and 268A of the General Laws also apply to all city officials and employees.

Definitions.

Whenever used in this article, the following terms shall have the following meanings:

City contractor. The words City contractor shall mean any person (including agents or employees acting within the scope of their employment) who is paid from the city treasury or under city auspices, for goods or services, regardless of the nature of the relationship of such person to the city for purposes other than this code.

Contract management authority. The words contract management authority shall mean personal involvement in or direct supervisory responsibility for the formulation or execution of a city contract, including without limitation, the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

Economic interest. The words economic interest shall mean a financial interest, whether vested or contingent, legal or beneficial, with a present fair market value of greater than two hundred fifty dollars (\$250.00), which is distinguishable from that of the public generally.

Gift. The word gift shall mean a delivery of goods, payment, entertainment, subscription, advance services or anything of value, unless consideration of equal or greater value is received. If items are furnished or services are rendered for less than the fair market value, the difference between the fair market value and the prices shall be treated as a gift. Gift shall not include a political contribution reported as required by law, a commercially reasonable loan made in the ordinary course of business, anything of value received by inheritance, or a gift received from a family member or from a relative within the third degree of consanguinity of the reporting person or of the reporting persons spouse or from the spouse of any such relative.

Relative. The word relative shall mean a person who is related to an official or employee as spouse, as a descendent of any grandparent of such official or employee, whether by the whole-or half-blood or by adoption, or as spouse of any of the foregoing and any person who resides with an employee or an official .

State Ethics Law. The words state ethics law shall mean and refer to chapter 268A of the General Laws.

Retaliatory action.

No official or employee shall intimidate, threaten, coerce, or otherwise take adverse action against any individual who in good faith makes a complaint to the Mayor, City Council, School Committee or the state ethics commission regarding any alleged violation of this or the state ethics code by any official or employee of the city.

Improper influence.

No official or employee shall make, participate in making or in any way attempt to use such officials or such employees position, influence or power to influence or affect any city governmental decision or action in which such official or employee knows or has reason to know that such official or employee has any economic interest distinguishable from its effect on the public generally or, with respect to the city council, any economic interest distinguishable from its effect on all councilors generally.

Illegal gifts surrendered to city treasurer.

Any gift given in violation of the provisions of chapter 268A of the General Laws shall be surrendered to the treasurer, who shall add the gift to the inventory of city property or general fund.

City-owned property.

No official, employee or city contractor shall engage in or permit the unauthorized use of city-owned property or any other property being held by the city for public purposes.

Use or disclosure of confidential information.

No current or former official or employee shall use or disclose, other than in the performance of his official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his position or employment. For purposes of this section, confidential information means any information that is not made available to the general public on request or could not be obtained pursuant to the Massachusetts Public Records Act, chapter 66 of the General Laws, as amended.

Interest in city business.

No elected official or his or her spouse shall have a financial interest, directly or indirectly, in the name of the official or employee or in the name of any other person in any contract, work or business of the city or in the sale to the city of any property or service, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the city, or is authorized by ordinance. Compensation for property taken pursuant to the city's eminent domain power shall not constitute a financial interest within the meaning of this section. Unless sold pursuant to a process of competitive bidding following public notice, no elected official or employee shall have a financial interest in the purchase of any property that (i) belongs to the city or a city agency, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the city. No employee or appointed official nor their spouse shall engage in a transaction described in this section, unless the matter is wholly unrelated to the employee or officials city duties and responsibilities.

Employment of relatives.

(a) No official or employee may appoint or advocate for employment, in any city agency in which said official or employee serves, or over which he exercises authority, supervision, or control, any person (i) who is a relative of said official or employee, or (ii) in exchange for or in consideration of the employment of any of said officials or employees relatives by any other official or employee.

(b) No official or employee shall exercise contract management authority over a contract involving any relative of the official or employee.

(c) No official or employee shall use or permit the use of his position to assist any relative in securing employment or contracts with persons over whom the employee or official exercises contract management authority. The employment of or contracting with a relative of such a city official or employee by such a person within six months prior to, during the term of, or six months subsequent to the period of a city contract shall be evidence that said employment or contract was obtained in violation of this article.

Prohibited acts by members of the city council.

Members of the city council shall not make loans, gifts of value equal to or exceeding fifty dollars, offers of employment or future employment or of business or investment opportunities to contractors employed by the city, heads of city departments or agencies, to city workers, to the city solicitor and assistant city solicitors or to members of boards or commissions involved in the granting of variances, permits, licenses or other such discretionary, or adjudicatory functions.

Members of the city council convicted of drunk driving, theft, abuse of power or any felony shall be recalled from the office of City Council and said position filled according to the city of Revere's charter relating to the filling of a vacated position.

Advisory opinions.

(a) Any city employee or official shall be entitled to the opinion of the city solicitor upon any question arising under this chapter relating to the duties, responsibilities and interests of such person. All requests for such opinions by a subordinate municipal employee shall be made in confidence directly to the Mayor who shall in turn request in confidence such opinion of the city solicitor on behalf of such person, and all members of boards or commissions and chief officers or heads of municipal agencies may make direct confidential requests for such opinions on their own account. The city solicitor shall file such opinion in writing with the city clerk and such opinion shall be a matter of public record; however, no opinion will be rendered by the city solicitor except upon the submission of detailed existing facts which pertain a question of actual or prospective violation of any provision of this article.

(b) Any person who acts in reliance on an opinion of the city solicitor shall be exempt from the penalties provided herein if that person has made a good faith disclosure of all material facts related to the opinion.

Penalties.

(a) Any employee or official who violates this article shall be subject to appropriate discipline by the appointing authority including suspension, termination or censure, consistent with any requirements of the state civil service law and the city charter, as well as to civil or criminal prosecution under any other applicable state laws.

(b) Alleged violations of the state ethics law, or this article by the city councilors, members of the school committee, the superintendent of schools, and the city manager shall be directly filed with the State Ethics Commission.

(c) Any city councilor who has been convicted of a knowing or willful violation of the state ethics law, or this article shall be deemed to have vacated his office from the date of conviction, and shall not be eligible to serve in any other elective or appointive office or position under the city.

(d) Any officer or employee, not otherwise provided for by this ordinance, shall immediately forfeit his office or position, upon conviction for a knowing or willful violation of this article.

(e) All city contracts shall include therein a clause for termination in the event of a violation of this chapter in connection with the bidding, awarding, administration or performance of the contract.

(f) Any permit, license, ruling, determination or other official action taken in violation of this article shall be void; provided however, that in the event that voiding would substantially damage the city or innocent third parties, then the city entity responsible for such official action may, subject to the prior approval of the city manager, preserve, in whole or in part, the permit, license, ruling, determination or other action.

(g) A knowing or willful violation of this article shall constitute a misdemeanor, and shall be punishable by a fine of not more than three hundred dollars (\$300.00) per offense.

Other remedies.

The city or any city agency may maintain an action for an accounting for any economic benefit received by any person in violation of this chapter or other law, and may recover damages for violation of this chapter.

Conflict with other laws.

In the event of any conflict or inconsistency of this chapter with any state law, the provision of broadest or most strict coverage shall control. No provision of this chapter shall be construed so as to be inconsistent with state or federal law.

Distribution of code; training provisions.

The city clerk shall cause a copy of this code of ethics to be distributed to every elected and appointed public official within thirty (30) days of their entering upon the duties of their office or employment. The personnel director shall cause a copy of this code of ethics to be distributed to all other employees of the city within thirty (30) days of their entering upon the duties of their employment.

In order to assure that all officers and employees of the city are familiar with their responsibilities and obligations under this code of ethics and the state ethics law, the city manager shall at regular intervals provide for training on the meaning and application of the ethics code, and every elected and appointed public official shall be required to attend at least one such session upon appointment or election to municipal office.

10-308 Motion presented by Councillor Rotondo: That the Mayor request a review and evaluation by Frank Stringi, Director of Planning and Community Development, for possible zoning changes that include an employment overlay district that encourages employers to Revere as well as increases in density within a mixed use design in the PDD1 and PDD2 districts.

10-309 Motion presented by Councillor Patch: That the Mayor be requested to have the parking and motor vehicle traffic lines in the Linden Square area re-lined and repainted in the interest of public safety.

10-310 Motion presented by Councillors Powers and Zambuto: That the Mayor request the Traffic Commission to include the following items on the agenda for the next public hearing:

- i. That on-street parking restrictions be implemented on the lower portion of Janvrin Avenue.
- ii. That traffic restrictions be implemented on Cary Avenue due to the increase in the volume of motor vehicle traffic contributed to the public schools located in the area.

10-311 Motion presented by Councillors Guinasso and Rizzo: That the Mayor request the Building Inspector and the Director of Inspectional Services to appear before the City Council at the next regularly scheduled meeting for the purpose of discussing 26 Rumney Road.

10-312 Motion presented by Councillor Rotondo: That the Mayor request the Licensing Board to investigate allegations of underage drinking and overcrowding at Plaza Giribaldi during “21 and younger” nights of operation.

10-313 Motion presented by Councillor Patch: That the Mayor request MassHighway to repair the wooden fence at the MassHighway storage lot located on Washington Avenue. Sections of the fence are in need of repair and pose a danger to pedestrians using the sidewalk. This motion is made in the interest of public safety.

10-314 Motion presented by Councillor Patch: That the Mayor request the owner of 41 Marble Street to appear before the City Council to discuss opening of the parking lot adjacent to said property.

10-315 Motion presented by Councillor Rizzo: That the Mayor and Director of Planning and Community Development place Standish Road and Curtis Road on the City’s infrastructure plan for resurfacing. These streets are in desperate need of repair.

10-316 Motion presented by Councillors Rizzo and Novoselsky: That the Mayor request Community Corrections personnel to cut down weeds and pick up debris along Standish Road at Curtis Road. The weeds have overgrown into the street. Further, that the owner of the property at this location be contacted to clear and clean up the land in the interest of public health for the surrounding neighborhood.

10-317 Motion presented by Councillors Novoselsky and Haas: That the Mayor request the Superintendent of Public Works to enforce the policy regarding the use of "flowable fill" to all contractors and utility companies opening any trenches on major roadways and streets designated by the Superintendent of Public Works.