

**City Councillor
Joseph A. DelGrosso
City Council Chamber
March 24, 2014**

Regular meeting of the Revere City Council was called to order at 6:00 P.M.

President Zambuto presiding.

Salute to the Flag by the members of the Revere City Council and those in attendance.

1. Roll Call of Members: Councillors Arrigo, Giannino, Guinasso, Haas, Morabito, Novoselsky, Penta, Powers, Reardon and President Zambuto present. Councillor Patch was absent.

2. Approval of the Journal of the meeting of March 10, 2014.

The Journal was declared approved as presented.

3. Robert Button of CDM will discuss the Winthrop Avenue Sewer Project.

Addressing the Council at this time was Robert Button and Mayor Rizzo.

Ordered received and filed.

12-022 4. Joint utility meeting with Comcast, National Grid and Verizon to discuss double poles and pot holes.

Addressing the Council were: Dan Cameron, National Grid and Tim Kelley, Comcast

Ordered received and filed.

Public Hearing

14-085 5. Hearing called, as ordered, upon the application of National Grid for the installation of conduits and necessary sustaining and protecting fixtures, under and across a public way on Marshview Terrace to service the City of Revere Pump Station.

Proponents

Representative from National Grid

Opponents

None

Hearing held, subject matter is now before the Council:

Motion presented by Councillor Haas: That upon the application presented by National Grid for a permit to construct all necessary sustaining

and protecting fixtures, under and across a public way on Marshview Terrace to service the City of Revere pump station, the same be approved.

Motion was declared Ordered.

Committee Reports

Report of the Public Safety Sub-Committee

14-046 6. Re: Wesley Squire, LLC, 17 Lafayette Rd., Northampton, NH 03862 requesting a Chapter 148 License from the Revere City Council for aboveground storage of 1,334 gallons of flammable liquids, 1,080 gallons of combustible liquids and 60 gallons of LP-gas, and a commercial garage license at 649-655 Squire Road (Parcel ID# 32-434-A-2), Revere, MA.

Shall the City Council approve the Chapter 148 License at 649-655 Squire Road for the aboveground storage of flammable liquids and a commercial garage?

Motion to approve was declared Ordered on a Roll Call: Councillors Arrigo, Guinasso, Haas, Morabito, Novoselsky, Penta, Powers, Reardon, and President Zambuto voting "YES". Councillors Giannino and Patch absent.

14-046A 7. Re: Wesley Squire, LLC, 17 Lafayette Rd., Northampton, NH 03862 requesting a Chapter 148 License from the Revere City Council for aboveground storage of 600 gallons of flammable liquids and 250 gallons of combustible liquids at Squire Rear Road (Parcel ID# 32-434-A-1), Revere, MA.

Motion to approve was declared Ordered on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, Morabito, Novoselsky, Penta, Powers, Reardon, and President Zambuto voting "YES". Councillor Patch absent.

Report of the Zoning Affairs Sub-Committee

PUD-14-01 8. Re: #29 Thayer Avenue Development LLC, 35 Gove Street Boston, MA requesting permission from the Revere City Council to construct a Planned Unit Development (PUD) comprising of forty two (42) residential condominium units within the light industrial (LI) District at 29 Thayer Avenue, Revere, MA.

Subject matter referred back to Committee.

C-14-02 9. Re: Victoria Vinokur, Revere Adult Day Healthcare Center, 765 Revere Beach Parkway, Revere, MA, seeking permission from the Revere City Council to modify a nonconforming structure for the purpose of expanding the operation of an existing Adult Day Care facility at 765 Revere Beach Parkway, Revere, Ma.

Shall the relief requested be granted to the petitioner at this time?

Motion presented by Councillor Penta as amended by Councillors Guinasso and Zambuto: That upon the special permit application presented by Victoria Vinokur, Adult Day Healthcare facility, for a permit to expand a nonconforming structure for the purpose of expanding the operation of an existing Adult Daycare facility the same be granted subject to the conditions set forth below:

1. The parking lot must be striped to provide for 22 parking spaces. There shall be no parking of vans or employee vehicles along Mill Street to Taft Street.
2. The plans must be stamped and approved by the Fire Department prior to the issuance of a building permit.
3. A designated no parking 'fire lane' must be maintained along the front of the building for accessibility at all times by the Fire Department and ambulance.
4. All owners, employees, delivery drivers, patients, and any other persons shall only use Revere Beach Parkway as an entry and exit way to the property. At No time shall Mill Street be used to gain entry or exit to the property.
5. The applicant shall appear before the City Council every six months to discuss business operations and compliance with the special permit conditions.
6. If at any time the conditions of this special permit have been violated, the special permit will be revoked immediately.

Motion to grant the relief requested subject to the findings and conditions of Site Plan Review and the City Council was declared Ordered on a Roll Call: Councillors Arrigo, Guinasso, Giannino, Haas, Morabito, Novoselsky, Penta, Powers, Reardon, and President Zambuto voting "YES" Councillor Patch absent.

Communications

14-070 10. Comm. from the City Planner:

Attached is a resolution that must be passed by the City Council in order for the City of Revere to receive grant funds from the Executive Office of Energy and Environmental Affairs under the our common backyards program. Under this grant program the City will receive grant funds totaling \$200,000 for the replacement of playground equipment at Louis Pasteur Playground and DiSalvo Park Playground (aka Cheako Ciarlone Playground). These funds are being awarded to the City of Revere as a result of a successful grant application filed by the Department of Planning and Community Development. It is expected that the playground improvements will be completed by the fall of this year.

Thank you for your prompt attention to this matter as the resolution must be passed prior to the City entering into a grant agreement with the Commonwealth.

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE OUR

COMMON BACKYARDS PROGRAM FOR IMPROVEMENTS TO LOUIS PASTEUR PLAYGROUND AND DI SALVO PARK PLAYGROUND

Whereas: The Louis Pasteur Playground and DiSalvo Park Playground are key community recreational assets and the preservation and improvements to these facilities are a City priority as evidenced in the most recent Open Space and Recreation Plan; and

Whereas: Louis Pasteur Playground and DiSalvo Park Playground are both dedicated to park and recreation purposes under MGL Chapter 45, Section 3; and

Whereas: The Ultimate restoration and replacement of playground equipment at Louis Pasteur Playground and DiSalvo Park Playground will greatly enhance recreational opportunities in the community; and

Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Our Common Backyards Program.

Now Therefore, Be It Resolved:

- 1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs, and**
- 2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Department of Planning and Community Development, and**
- 3. That this Resolution shall take effect upon its passage.**

Resolution was Adopted.

14-071 11. Communication from the Mayor;

I respectfully request that the City Council consider the reappointment for a period of three years of the following Harbormaster/Assistant Harbormasters.

- Paul Pisano, 48 Princeton Street, Danvers, MA, Harbormaster**
- Arthur MacDonald, 57 Endicott Avenue, Revere, MA, Assistant Harbormaster**
- Chief Joseph Cafarelli, Revere Police Dept., 400 Revere Beach Parkway, Revere, MA, Assistant Harbormaster**
- Thomas Abate, c/o Eagan Chiropractic, 106 Squire Road, Revere, MA, Assistant Harbormaster**

- Louis Pedersen, 225 Mills Avenue, Revere, MA, Assistant Harbormaster.

Please present these appointments at the next City Council meeting on Monday, March 24, 2014. Thank you for your courtesy and cooperation.

Ordered referred to the Appt. sub-committee.

14-072 12. Comm. from the Mayor:

Free Cash Certification

Once again, I am happy to report that the City of Revere has received more financial good news from an outside agency. The Department of Revenue has recently certified our free cash available to the City as of June 30, 2013, in the amount of \$3,292,270 for our General Fund and 101,545 for the Water and Sewer Enterprise Fund.

Free Cash is a result of a calculation of the DCR that includes appropriations, surplus deficits, property auctions, Tax Collections, Tax Title Collections, state aid receipts and other variables. This strong result could not have been possible without the efforts of both my administration and that of your Honorable Body.

I would like to extend my appreciation to our Director of Finance, George Anzuoni, and our City Auditor, Laurie Giardella for their efforts in the calculations of free cash.

Please find the attached notification from the DOR.

Ordered received and placed on file.

14-073 13. 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 Raffaele Construction Co., Inc. P.O. Box 436 Swampscott, Ma. 01907 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. Raffaele 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.

Motion to confirm the appointment was declared Ordered on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, Morabito, Novoselsky, Penta, Powers, Reardon and President Zambuto voting "YES" Councillor Patch was absent.

14-074 14. 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 BF Construction Inc., 15 Kelley Road, Wilmington, Ma. 01887 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. Fonzi 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.

Motion to confirm the appointment was declared Ordered on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, Morabito, Novoselsky, Penta, Powers, Reardon and President Zambuto voting "YES" Councillor Patch was absent.

14-075 15. 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 LaMountain Brothers Inc., 37 Federal Hill Road, Oxford, Ma. 01540 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. LaMountain 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.

Motion to confirm was declared Ordered on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, Morabito, Novoselsky, Penta, Powers, Reardon and President Zambuto voting "yes." Councillor Patch was absent.

14-076 16. 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 R. Sasso and Sons Construction, Inc., 75 Thurlow Avenue, Revere, Ma., be reappointed as a 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. Sasso 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.

Motion to confirm the appointment was declared Ordered on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, Morabito, Novoselsky, Penta, Powers, Reardon and President Zambuto voting "YES" Councillor Patch was absent.

14-077 17. 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 A. L. Prime Energy Consultant., Inc., 18 Lark Avenue, Saugus, Ma., 01906 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. Robards 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.

Motion to confirm the appointment was declared Ordered on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, Morabito, Novoselsky, Penta, Powers, Reardon and President Zambuto voting "YES" Councillor Patch was absent.

14-078 18. 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 reappoint J. Marchese and Sons, Inc., 69 Norman Street, Everett, Ma., 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. Karpinski 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.

Motion to confirm the appointment was declared Ordered on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, Morabito, Novoselsky, Penta, Powers, Reardon and President Zambuto voting "YES" Councillor Patch was absent.

14-079 19. 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 Mercurio Brothers, Inc., 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. Mercurio 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.

Motion to confirm the appointment was declared Ordered on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, Morabito, Novoselsky, Penta, Powers, Reardon and President Zambuto voting "YES" Councillor Patch was absent.

14-080 20. Comm. from the Mayor

Please be advised that in accordance with the provisions of Title 13, Chapter13.08, Section 13.08.435 of the Revised Ordinances of the City of Revere, as most recently amended, I hereby request, ARM Construction 787 North Shore Road, Revere, Ma., 02151 be reappointed as a 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. Nakashian 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.

14-081 21. Comm. from the Mayor:

Please be advised that in accordance with the provisions of Title 13, Chapter13.08, Section 13.08.435 of the Revised Ordinances of the City of Revere, as most recently amended, I hereby request that Caruso Corporation, Stephen Caruso, President, 320 Charger Street, Revere, Ma., be reappointed as a 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. Caruso 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.

Motion to confirm the appointment was declared Ordered on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, Morabito, Novoselsky, Penta, Powers, Reardon and President Zambuto voting "YES" Councillor Patch was absent.

14-082 22. Comm. from the Mayor:

Please be advised that in accordance with the provisions of Title 13, Chapter13.08, Section 13.08.435 of the Revised Ordinances of the City of Revere, as most recently amended, I hereby request that RC and D Inc., 200 Main Street, Unit3, Pawtucket, RI 02860, Jeffrey Robards, General Mgr., be reappointed as a 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. Dulgarian 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.

14-083 23. 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 Procopio Enterprises, Inc., 20 Main Street, Saugus, Ma., be reappointed as a 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. Procopio 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.

Motion to confirm the appointment was declared Ordered on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, Morabito, Novoselsky, Penta, Powers, Reardon and President Zambuto voting “YES” Councillor Patch was absent.

14-084 24. Comm. from the Mayor:

I am hereby requesting the City Council’s confirmation of John Bartolo, 1 Woodbury Lane, Middleton, Ma., as a constable for the City of Revere.

In accordance with the provisions of Chapter 41, Section 9I, of the MGL, this appointment is granted for a period of three (3) years unless sooner revoked by the Mayor Chief of Police or the Honorable City Council.

Mr. Bartolo has been advised that the Appointment sub-committee will be contacting him to appear before them concerning this appointment.

Ordered referred to the Appointment sub-committee.

Motions

14-060 25. Ordered on a Motion presented by Councillor Powers: That the Mayor request the DCR to install a catch basin on the easterly side of the Lynnway between Alden and Bickford Avenues. This is an area where large amounts of water collect and causes danger to the general public.

14-061 26. Ordered on a Motion presented by Councillor Powers: That the Mayor request the DCR to install a handicap sign on the westerly side of 505 Revere Beach Boulevard.

14-062 27. Ordered on a Motion presented by Councillor Novoselsky: That the Mayor request Dan Cameron of National Grid to install a new telephone pole at the southeast corner of the intersection of Kimball and Walnut Avenues (on the Kimball Ave. side) and to install a flood light facing to the northwest corner of the intersection.

14-063 28. Motion presented by Councillor Novoselsky: That the Mayor request the DCR Commissioner to approve a “Right Lane – Right Turn Only” regulation at the intersection of Revere Beach Parkway and Tomasiello Road and that the appropriate signage be posted.

Ordered referred to the Committee on Public Safety.

14-064 28. Motion presented by Councillor Powers: That the Mayor request the owners of the Wonderland Dog Track to have the graffiti removed from the fencing and buildings located on their property.

Motion was withdrawn.

14-065 29. Motion presented by Councillor Powers: That the Mayor request DCR to address the damages to the fence located at 129 Lynnway caused by DCR plowing. A claim against the city, File Number 14-29 was referred back to the owner of the property, Arlene Hanlon at said address.

14-066 30. Ordered on a Motion presented by Councillors Morabito Arrigo and Haas: That the Mayor be requested to appoint a Human Rights Commission in accordance with Chapter 9.28 of the Revised Ordinances of Revere.

14-067 31. Ordered on a Motion presented by Councillor Arrigo: That the Mayor commission a comprehensive classification and compensation study of the city’s workforce.

14-068 32. Motion presented by Councillor Zambuto: That the Mayor establish by ordinance, with approval of the City Council, a full time Human Resources Department within the City of Revere. Funding for the new department shall be included in the Fiscal Year 2015 Budget.

14-068A 33. Motion presented by Councillor Arrigo:

That the following ordinance be ordered to a public hearing:

Sec. X. - Personnel program.

It is the purpose of this ordinance to establish a comprehensive personnel program in the city. The system of personnel administration established herein shall be consistent with the following merit principles:

- (1) Selection and advancement shall be made on the basis of ability, knowledge, and skills;
- (2) Compensation shall be established on an equitable basis;

- (3) **Training and development opportunities shall be provided as needed to assure high-quality performance by all employees;**
- (4) **Retention of employees shall be on the basis of their performance. A reasonable effort shall be made to assist employees in improving work performance; and if, following such effort, inadequate performance cannot be corrected, separation shall occur;**
- (5) **Fair treatment of applicants and employees shall occur in all aspects of personnel administration without regard to race, color, religion, sex, national origin, political affiliation, age, or handicap and with proper regard for their privacy and constitutional rights.**

Sec. X - Personnel department.

There is hereby established in the city government a department of personnel, hereinafter referred to as the "department."

Sec. X - Director of personnel.

The personnel department shall be headed by a director of personnel hereinafter referred to as the "director" who shall be appointed by the mayor, subject to the confirmation of the city council, for a term of two years. The director shall report directly to the mayor. The director shall be specially fitted by education, training and experience to perform the duties and assume the responsibilities of his or her office. He or she shall devote his or her entire time to said duties and responsibilities and his or her compensation shall be fixed by the city council. He or she shall employ such technical, professional and other assistants as the mayor and the city council shall from time to time authorize. The director of personnel shall be a noncivil service position.

Sec. X - Director of personnel duties.

It shall be the duty and responsibility of the director of personnel to:

- (1) **Develop and direct a comprehensive personnel program for the city which will include, at a minimum:**
 - a. **Development of job descriptions for all positions in the city**
 - b. **Development of salary ranges for all positions in the city**
 - c. **Development of recruitment and hiring process for all new, vacant or otherwise unfilled positions in the city which shall include the following:**
 - i. **job postings for a minimum of 30 days**
 - ii. **a formal written evaluation of education and experience**
 - iii. **a formal written evaluation of past job performance**
 - iv. **a formal and structured interview process**
- (2) **Formulate and issue personnel policies, procedures and directives sufficient to implement the personnel program;**
- (3) **Explain and advise municipal employees and other interested parties on provisions of the civil service law and rules, as they pertain to the personnel program;**
- (4) **Review department requests for raw personnel and make recommendations to the mayor and city council on same;**
- (5) **Provide advice and technical assistance to department heads and elected and appointed supervisory officials on all personnel matters, including position classification, wage and salary administration, recruitment and placement, employee relations, performance evaluation, disciplinary actions, employee grievances, training and development and the interpretation and administration of collective bargaining agreements;**
- (6) **Establish and administer a position classification plan for the classification of all positions, other than those filled by popular election, into groups and classes doing substantially equal**

responsibilities so that equal compensation for equal work will be guaranteed. Such classification plan shall set forth, for each class of positions, the official class title, a statement of duties, authority and responsibilities included in the class, the qualifications that are necessary or desirable for the satisfactory performance of the duties of the class and the normal or usual line of promotion. Whenever a new position is established, or the duties of an existing position are so changed that in effect a new position is created, the director shall allocate such new or changed position to its appropriate group subject to the approval of the mayor. The director, from time to time shall review all work of all positions subject to the classification plan. Such reviews shall be scheduled as to cover all such positions at intervals of not more than three years;

- (7) Develop and administer a recruitment and placement program designed to fill vacant positions with the best qualified persons;
- (8) Ensure that the civil service law and rules are adhered to in all personnel transactions;
- (9) Determine before any person shall be hired, reinstated, promoted or transferred that:
 - a. There is an existing vacancy or that a new position has been created;
 - b. The wages or salary that is proposed to be paid is in accordance with the terms of the appropriate collective bargaining agreement in force, or law or ordinance;
 - c. There is compliance with the civil service law and rules;
 - d. The proposed transaction has received the approval of the appointing authority;
- (10) Develop and implement a performance evaluation program designed to provide for the periodic evaluation, in writing, by appropriate supervisory personnel of the job performance of all employees, except elected officials;
- (11) Prepare and implement training and employee development programs to meet the needs of the various departments;
- (12) Formulate, subject to approval by the mayor and the city council, rules and regulations governing, with respect to all employees except elected officials and employees covered by collective bargaining agreements, hours of work, payment of compensation, holiday pay, payment of overtime and other premium or extra compensation, annual leave, sick leave, other leave with pay, leave without pay, workmen's compensation and pay for personal injury sustained in the line of duty, payment for and attendance at educational courses, seminars, conferences, uniform allowances and group health and life insurance;
- (13) Provide assistance to individual employees on all personnel matters;
- (14) Process all personnel actions and maintain personnel records of all employees, including elected officials;
- (15) Develop, in consultation with appropriate officials and department heads, standardized forms and records to be used in the personnel program;
- (16) Supervise the registration of eligible persons for labor service positions;

- (17) Establish and administer an accident prevention and physical examination program for all prospective and current employees;
- (18) Review and appraise the effectiveness of each element of the personnel program on a periodic basis and make reports and recommendations to the mayor and the city council concerning methods of promoting the efficiency and effectiveness of same;
- (19) Recommend to the mayor and the city council the enactment of such ordinances as are considered necessary to implement and administer the personnel program;
- (20) Perform such other duties and assume such other responsibilities as may be prescribed by law or ordinance from time to time;
- (21) Oversee and administer all employee benefit programs;
- (22) Participate in, advise on, and administer collective bargaining agreements.

Sec. X - Office of affirmative action.

There shall be within the department of personnel an office of affirmative action to be headed by an affirmative action officer who shall be appointed by the director and shall serve at his or her pleasure. Said affirmative action officer shall be responsible for developing and implementing an affirmative action plan for the recruitment and placement of qualified minority, female and handicapped applicants for employment into appropriate positions within the several city departments. For the purpose of this section, the director may also serve as the affirmative action officer.

Sec. X - Legal assistance for director of personnel.

The city solicitor shall advise and assist the director of personnel in the processing and final disposition of all claims for workmen's compensation; in the interpretation and administration of collective bargaining agreements and in any other legal matters pertaining to said department.

Sec. X - Applicant selection.

- (a) The director of personnel must utilize the following selection procedures which in his or her professional judgment will best determine the fitness and ability of the applicants for all new positions, filling of vacant positions and promotions:
 - (1) A written examination;
 - (2) A structured oral examination;
 - (3) A practical or performance test;
 - (4) A formal evaluation of education and experience;
 - (5) A structured interview;
 - (6) A formal evaluation of past performance;
 - (7) A physical test of strength, ability or dexterity;
 - (8) A pre-employment physical and or psychological examination;
 - (9) Any other appropriate means of fitness evaluation.
- (b) The director of personnel, after consultation with the department head and the appointing authority, may determine in each instance what procedure or combination of procedures shall be used and the relative weight assigned to each part of the examination. The director shall also assure that all selection procedures are job related and that they emphasize, to the maximum extent possible, validity, reliability and objectivity.

Sec. X - Physical examination requirement.

Before any individual is hired or employed on a permanent, full-time basis, he or she shall satisfactorily pass a pre-employment physical examination to be administered without charge to the individual by a physician designated by the city. Said physicians shall certify as to the applicant's physical fitness to perform the duties of the position to which such applicant seeks employment. If the director

deems such action necessary to the protection of the city, he or she may require any applicant for temporary appointive employment by the city who is to be employed for 30 days or more, to be certified by a physician designated by the city, as to his or her physical fitness to do the work required by the city.

Sec. X - Labor relations and civil service.

Nothing in this article shall be construed to limit any rights of employees pursuant to Chapter 150E of the General Laws specifically including but not limited to a grievance procedure culminating in final and binding arbitration, as provided in Section 8 of Chapter 150E of the General Laws. Nothing in this article shall be construed to conflict with Chapter 31 of the General Laws.

Sec. X - School committee exemption.

The provisions of this article shall not apply to the school committee of the city or to any of its employees unless said school committee shall, by majority vote, request such application.

Ordered referred to Ways and Means.

Ordered on a Motion of Councillor Guinasso: That the City Council now stands adjourned to meet on Monday, March 31, 2014.

Ordered adjourned at 8:15 P.M.

Attest:

City Clerk