

**City Councillor
Joseph A DelGrosso
City Council Chamber
Public Hearings
August 24, 2015**

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

President Powers presiding.

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

1. **Roll Call:** Councillors Giannino, Guinasso, Haas, McKenna, Morabito, Patch, Reardon, and Powers present. Councillor Arrigo seated at 6:07 P.M., Councillors Novoselsky and Zambuto were seated at 6:04 P.M.

2. The Journal of the meeting of the City Council held on July 27, 2015 was declared approved as presented.

Ordered received and placed on file.

15-157 3. A Certificate of Commendation will be awarded to Jim Cunningham in recognition of his retirement from Chelsea Revere Winthrop Elder Services.

Ordered awarded and placed on file.

15-167 4. A Certificate of Commendation will be awarded to the Comfort Inn & Suites and the Revere Beautification Committee for the renovation and beautification of Bell Circle.

Presentation postponed.

15-162 5. The Mayor will present to the City Council the new Capital Improvement Plan.

Addressing the Council was
Mayor Rizzo
Monica Ledway
Anthony Troisi

Ordered referred to Ways and Means.

Public Hearings

C-15-07

15-185 6. Hearing called as ordered on the application of TransDel Corp. and Gate Residential Properties, LLC c/o Redgate, 265 Franklin St., 6th Floor, Boston, MA 02110 seeking permission from the Revere City Council to construct a planned unit development comprising of two (2) six-story buildings with 301 total residential units (all above the first floor), ground

level amenities, landscaped areas, and resident parking at 205 Revere Beach Parkway, Revere, MA 02151.

Ordered on a Motion of Councillor Zambuto: That the Rules of Order be suspended at this time to allow a late communication to be read and entered into the record.

Motion to suspend rules was declared Ordered on a Roll Call: Councillors Guinasso, McKenna, Novoselsky, Patch, Reardon, and Zambuto voting “YES”. Councillors Arrigo, Giannino, Haas, Morabito and President Powers voting “NO”.

Comm. from Mark Robinson:

Re: Request to withdraw application without prejudice – 205 Revere Beach Parkway

Although we have been working at an exceptional pace, our design and regulatory team will not be able to complete the additional plans and studies required for our Public Hearing, currently scheduled for August 24, 2015.

At this time, we respectfully and apologetically request to withdraw our application without prejudice. Once we have a better understanding of the timeline required to complete the outstanding deliverables, we will contact John Festa and resubmit our application.

On behalf of the entire ownership team, I apologize for any inconvenience this may cause.

Addressing the Council at this time were the following:

**George Rotondo, 675 Beach Street
Catherine Penn, 382 Ocean Avenue
Gregg LaCedra, 118 Pearl Avenue
Joe LoRenza, Standish Road
Beverly Streets, 47Bradstreet Avenue
John Festa
David Margosian, 1739 No. Shore Road
Ben Leone, 245 Bellingham Avenue
Resident, 205 Bellingham Avenue
Adrienne Maguire, 114 Pearl Avenue
John Bonetti, 34 Dana Street
Gary Cohen, 211Garfield Avenue
Mr. Botteri, 21 Crest Avenue
Jim Mercurio, 193 Crescent Avenue
Scott Kurtzer, 40 Dana Street + 10 neighbors on Dana St.
Resident, 24 Dana Street
Christine Foglia, 16 Endicott Avenue
Robert Zierten, 43 Rice Avenue
Resident, 5 Raymond Road
Patrick Keefe, 44 Kilburn Street**

Motion to withdraw without prejudice is now before the City Council.

Motion was Ordered on a Roll Call: Councillors Guinasso, McKenna, Novoselsky, Patch, Reardon and Zambuto voting "YES". Councillors Arrigo, Giannino, Haas, Morabito and President Powers voting "NO".

C-15-08

15-186 7. Hearing called as ordered on the application of Timothy Sullivan, Agent, Wonderland Marketplace, Inc. a Delaware Corp. c/o Invesco Real Estate, 2001 Ross Ave., Suite 3400, Dallas, TX 75201 seeking permission from the Revere City Council to expand two (2) existing non-conforming ground signs from 124.6 square feet to 145.1 square feet on Lots 1A and 2A at 151 VFW Parkway, Revere, MA 02151.

Proponents

**Paul Martin
125 Greely Street, Hudson, NH**

Opponents

None

Hearing held, subject matter referred to the Zoning Committee.

C-15-09

15-187 8. Hearing called as ordered on the application of Bell Atlantic Mobile of Massachusetts Corporation, LTD dba Verizon Wireless, c/o McLane Law Firm, PO Box 326, Manchester, NH 03105 seeking permission from the Revere City Council to install a telecommunications facility consisting of twelve (12) panel antennas and associated equipment at 339 Washington Ave., Revere, MA 02151.

Proponents

**Victor Manougian
Omar Magnuson, 11 Sargent Street**

Opponents

None

Hearing held, subject matter referred to the Zoning Subcommittee.

15-188 9. Hearing called as ordered on the application of BJ's Wholesale Club, 25 Research Dr., Westborough, MA 01581 seeking permission from the Revere City Council to amend the Chapter 148 License granted on August 27, 2007 to provide for the removal of an existing 1,000 gallon aboveground propane storage tank to be replaced with two (2) 1,000

gallon propane storage tanks for a combined total of 2,000 gallons of aboveground storage of propane at 5 Ward St., Revere, MA 02151.

Proponents

Roger Silva, BJ Wholesale Club

Opponents

None

Hearing held.

Subject matter is now before the City Council

Motion presented by Councillor Zambuto: That upon the application presented by BJ for removal of storage and replace with additional 2,000 gallons of propane storage tanks at premises located at 5 Ward Street, Revere, Ma., the same be and hereby is granted.

Motion was declared Ordered on a Roll Call: Councillors Arrigo, Giannino, Haas, McKenna, Morabito, Novoselsky, Patch, Reardon, Zambuto and President Powers voting “yes.” Councillor Guinasso voting “NO”.

15-184 10. Hearing called as ordered on a proposed loan order for an additional \$1,500,000.00 for the construction of the new St. Mary’s ball fields.

Proponents

**Mayor Rizzo
George Anzuoni
Julie DeMauro
Danny Dacey, President St. Mary’s baseball/softball
Patrick Keaton
Dean Harris, 25 Stark Avenue
Bob Lynch, 29 Stevens Street
Michael Hinojosa
Randy Raduazzo, 31 Shurtleff Street
Resident, Greentree Lane
Paul Fusco, 41 Blaney Court**

Opponents

None

Hearing held, subject matter is now before the City Council

Ordered: That the following be adopted:

A BOND ORDER TO PAY ADDITIONAL COSTS OF DEVELOPING ATHLETIC FIELDS ON THE FORMER ST. MARY’S PROPERTY

That the City appropriates the sum of One Million Five Hundred Thousand Dollars (\$1,500,000) for the purpose of paying additional costs of developing athletic fields on the former St. Mary's property, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(25) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the City therefor. The funds appropriated by this Order shall be expended in addition to all other amounts previously appropriated by the City to pay costs of this project.

That the Treasurer is authorized to file an application with the appropriate officials of The Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized by this Order, and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.

Ordered on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, McKenna, Morabito, Novoselsky, Patch, Reardon, Zambuto and President Powers voting, "YES".

Committee Reports

Ways and Means Committee

15-75

14-227

11. Re: Motion requesting FY 15 Budget update and FY 2016, 2017 budget projections.

Ordered received and placed on file.

15-094

12. Re: An Ordinance further amending Section 2.12.130 – Financial Impact Statements of the Revised Ordinances of the City of Revere.

Ordered referred back to committee.

13. Re: Appointment sub-committee report

15-66

Re Appointment of C.J. Doherty Inc., 41 Locust Street, Medford, MA as a Licensed Drain Layer.

Ordered referred back to Committee.

15-170

Re: Appointment of P.G. Construction, Inc., 9 Totman St., Quincy, MA as a Licensed Drain Layer.

Ordered referred back to Committee.

15-189

Re: Appointment of Martin K. Michelman, Sr., 75 Grover St., Revere, MA as a Constable.

15-190

Re: Appointment of R&D Site Development, LLC, 7 Hemlock Lane, Groveland, MA as a Licensed Drain Layer.

15-191 Re: Appointment of Moriarty & Sons, Inc., PO Box 216, North Andover, MA as a Licensed Drain Layer.

15-164 Re-appointments to the Library Board of Trustees:

- Mark Ferrante, 67 Milano Ave., Revere, MA
- Paul Ring, 67 Fenno St., Revere, MA
- Darlene Cammarata, 70 Milano Ave. #A, Revere, MA
- Marieelena Hinojosa, 37 Amelia Pl., Revere, MA

15-164 Re: Appointment to the Library Board of Trustees, Robert Tatel, 77 Bickford Ave., Revere, MA

15-127 Appointments to the Historical Commission:

- William Reedy, 53 Hauman St., Revere, MA
- Justin Capodilupo, 10 Cary Ave., Revere, MA

15-203 Re: Appointment of Argus Construction Corp, as a licensed Drain Layer for the City of Revere.

Appointments were confirmed on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, McKenna, Morabito, Novoselsky Patch, Reardon, Zambuto and President Powers voting “YES”.

Zoning Sub-Committee Report

C-15-02 14. Oxford Airport Technical Services, 47 Meacham Ave., Elmont, NY 11003 seeking permission from the Revere City Council to convert one non-conforming use (contractor storage yard) to another non-conforming use (maintenance and repair facility) at 885 North Shore Road.

Ordered that the rules be suspended for the purpose of allowing a late communication to be read into the record.

Comm. to the Council from Attorney James Cipoletta:

Oxford ATS has decided to locate its operation at a location other than North Shore Road, Revere. Therefore, it will not be pursuing its application for a special permit.

Oxford ATS thanks the City Council and the city’s professional staff for its consideration and assistance during this process.

Motion was declared Ordered on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, McKenna, Morabito, Novoselsky, Patch, Reardon, Zambuto and President Powers voting “YES”.

C-15-03 15. Angelica Cardona-Ramirez, 23 Harrington St., Revere, MA 02151 seeking permission from the Revere City Council to convert one non-conforming use (medical) to another non-conforming use (coffee shop) on Pt. Lots 74 & 76 and Centennial Ave. at 1-4 Orr Square.

Comm. from Angelica Cardona-Ramirez:

I would like to tell you that I no longer seek for any change of occupancy at the location of 4 Orr Square.

Unfortunately, the owner of the property could not wait any longer and already rented to someone else. I personally have to let you all know that I am really disappointed about the way things were handle in our case. We lost time and money waiting for this to clear, and it is not fair that something like this has taken so much time in the process. There was a lot of procrastination in regards to the situation sine the people next door to the property oppose to us having our business there. I was very surprised to have that kind of opposition because as business people we should help to make the City of Revere the best City in MA and put obstacles to each other. I would like to mention that it did not feel good to see how some of the city councils socialize with the people that were opposing our business. It felt like everyone was on their side. I understand that it's not like that but I am just expressing what I felt in that moment. I wish processes like this can be faster for business people to be able to open here in the City of Revere.

Motion to withdraw without prejudice was declared Ordered on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, McKenna, Morabito, Novoselsky, Patch, Reardon, Zambuto and President Powers voting "YES".

C-15-04

15-147 16. Re: 1141 Revere Beach Parkway Realty, LLC, Le Hermitage, 3200 N. Ocean Boulevard, Apt. 2110, Fort Lauderdale, FL 33308 seeking permission from the Revere City Council to operate a "fast-food/take-out/drive-in restaurant", a "car wash", and for the use of the existing non-conforming rooftop sign on Lots 1 & 4 at 1141 Revere Beach Parkway.

Motion presented by Councillor Reardon: That relief requested be granted to the petitioner.

**Motion presented by Councillor Reardon:
That upon the special permit request of #1142 Revere Beach Realty, LLC, for a permit to operate a "fast food Take-Out Drive In Restaurant, and a car wash , roof top sign on Lots l and 4 at #1141 Revere Beach Parkway, the same be granted subject to the following conditions set forth below:**

- 1. A street and sidewalk bond must be placed on file with the DPW to secure performance for the installation of utilities, construction of concrete sidewalks and granite curbing, construction of driveways, construction of retaining walls (if applicable), and landscaping with respect to the operation of a "fast-food/take-out/drive-in restaurant" and "car wash" at 1141 Revere Beach Parkway.**
- 2. The final plans must be reviewed and approved by the Fire Dept.**
- 3. The parking lot shall be paved and striped with clear pavement markings for traffic flow.**

4. The proponent shall secure a curb cut permit and comply with access and egress design standards from MassDOT and DCR for safe access and egress onto Revere Beach Parkway.
5. A sewer connection and water connection permit must be obtained from the DPW and Engineering Dept. for all new services into the building.
6. Stormwater management and drainage plans shall be submitted to and approved by the Site Plan Review Committee.
7. All walkways within the site shall be concrete and all curbing shall be either pre-cast concrete or granite.
8. A landscaping plan shall be approved by the Site Plan Review Committee which shall include landscape buffer and screening areas between abutting residential properties and the site as well interior landscaped islands and landscaping along the full frontage of the site.
9. All drive-thru aisles and stacking lanes shall not conflict with proposed parking spaces and the flow of interior traffic.
10. The exterior façade of the building shall be approved by the Site Plan Review Committee.
11. A final as-built plan and landscaping plan must be filed with the City Engineer and Building Inspector prior to the issuance of an occupancy permit.
12. Further, that the hours of operation for the car wash are 6:00 am – 11:00 pm, and the operations 5:00 am – 11:00 pm.

Relief requested was granted on a Roll Call subject to the findings and conditions of Site Plan Review and the City Council: Councillors Giannino, Guinasso, Haas, McKenna, Novoselsky, Patch, Reardon, Zambuto and President Powers voting “YES”. Councillor Morabito voting “NO”. Councillor Arrigo was absent from the Chambers.

C-15-06

15-180 17. Re: Antonio DelloIacono, 20 Geneva Street, Revere, MA for a special permit to construct a 2 ½ story duplex townhouse on Lot A Broad Sound Avenue, Revere, MA.

Motion offered by Councillor McKenna: That the following condition be made part of the special permit to construct a 2 1/2 story duplex townhouse on Lot A Broad Sound Avenue:

1. That upon the completion of the project, that the entire length of Foam Avenue be repaved.

Special Permit was Granted with condition on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, McKenna, Morabito, Novoselsky, Patch, Reardon. Zambuto and President Powers voting “YES”.

CZ-15-02

15-179 18. Re: City of Revere of Revere requesting amendments to the zoning map at American Legion Highway and the zoning ordinances.

Referred back to Committee.

Communications

CZ-15-02 19. Comm. from the Planning Board:

Please be advised that at a regular meeting of the Planning Board held on July 28, 2015, subsequent to a public hearing held by the Planning Board on July 28, 2015, it was favorably recommended by a unanimous vote of all members present, that the city council approve the proposed zoning map amendment to rezone a certain section of American Legion Highway on the northerly side extending from Abruzzi Street to Brown Circle and on the southerly side extending from Pomona St to Brown Circle from General Business (GB) to Highway Business (HB) and further that the height of buildings for hotel use only be increased from 50 feet to 70 feet within the Highway Business District.

Ordered received and made part of CZ-15-02.

15-192 20. Comm. from Nicholas Bua: Director

I have received a request from the family of John J. Perrella to have a Memorial Square designated in his honor. The family wishes to have the Memorial Square pole be installed on the corner of Revere Street and McKinley Street.

Mr. Perrella is a lifelong resident of Revere, living at 6 Martin Street before entering the Army on May 25, 1943. Private First Class Perrella served in Central Europe Ardennes, and Germany and received numerous decorations. He was honorably discharged on March 12, 1946.

It would be fitting to have a Memorial Square in honor of PFC John Perrella. A copy of his DD214 is on file in this office.

Motion presented by Councillor Guinasso: That a Memorial sign be installed at the corner of Revere Street and McKinley Street in honor of Private First Class John J. Perella.

Motion was declared Ordered.

15-193 21. Comm. from the Mayor:

Each year, the US Substance Abuse and Mental Health Services Administration (SAMHSA) declares September as National Recovery Month across the United States. As you may recall, since 2011, the Revere City Council has supported Revere CARES request to remember this important month. This year, the Revere CARES Memorial Planning Committee respectfully asks you to once again proclaim September, 2015 as Recovery Month in Revere.

The Revere Beach Memorial Committee is coming upon its ninth year of hosting this important event. For over a decade, community members have addressed the ongoing issue of Opioid misuse and Opioid overdose. In 2004, the Opioid Task Force was developed, due to an alarming number of Opioid overdoses impacting many families in Public Health, is the first fire department in the nation to carry Narcan and is currently leading a regional effort known as the Winnisinmet Regional Opioid Collaborative (WROC). Lastly a new initiative is being implemented to provide outreach to families and individuals in Revere. All of which would be possible without the collaboration of the City of Revere, Revere Fire Department, and Revere Cares.

We ask that you continue to make our community a role model to the rest of the Commonwealth and proclaim September, 2015 Recovery Month in the City of Revere.

Proclamation

Whereas, behavioral health is an essential part of health and one's overall wellness and,

Whereas, prevention of mental and/or substance use disorders works, treatment is effective, and people recover in our area and around the nation; and

Whereas, preventing and overcoming mental and/or substance use disorders is essential to achieving healthy lifestyles, both physically and emotionally, and

Whereas, we must encourage relatives and friends of people with mental and/or substance disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and

Whereas, in 2013, 2.5 million people aged 12 and older received substance use treatment as a specialty facility and 34.6 million adults aged 18 or older received mental health services, according to the 2013 National Survey on Drug Use and Health. Given the serious nature of this public health problem, we must continue to reach the millions more who need help; and

Whereas, the 9th annual Revere Beach Memorial, which will take place on Sunday, September 20, 2015, remembers who lives have been cut short due to alcohol and other drugs and provides family members and friends with the opportunity to gain strength and support from other community members who have experienced a similar loss; and

Whereas, the Revere Fire Department has utilized intranasal Naloxone to reverse more than 160 Opioid overdoses since February 2010; and

Whereas, to help more people achieve and sustain long-term recovery, the US Department of Health and Human Services (HHS) the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office

of National Drug Control Policy (ONDCP), the Revere CARES Coalition and the City of Revere invite all residents of Revere to participate in National Recovery Month; and

Now Therefore, Be It Resolved, that we, the Revere City Council do hereby proclaim the month of September 2015 as Recovery Month in Revere and call upon the people of Revere to observe this month with appropriate programs, activities and ceremonies to support this year's Recovery Month.

Resolution was adopted on Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, McKenna, Morabito, Novoselsky, Patch, Reardon, Zambuto and President Powers voting "YES".

15-194 22. Comm. from the City Solicitor:

In November 2012, the City Council denied Mr. James Stvil a special permit to operate an auto body repair garage at 855 Broadway. Mr. Stvil appealed the denial to the Suffolk Superior Court, which culminated into a three day bench trial (no jury) beginning March 26, 2015. The City was represented at trial by outside counsel Ira Zaleznik. The judge rendered his decision on May 22, 2015 nullifying the Council's decision and remanding the matter back to the Council for further action consistent with the Court's decision.

In accordance with the open meeting law, MGL ch. 30A, Sec. 21 (a) (3), I am requesting that the Council meet with the city's Lawyers in executive session at its upcoming September 14th meeting to discuss the City's litigation options in light of the Judge's decision to remand.

Ordered referred to the September 21st. meeting.

15-195 23. Comm. from the Mayor:

Re: Development Agreement City of Revere and Clear Channel Outdoor, Inc.

Attached please find a copy of the above-referenced agreement that provides for impact for payments to the City of Revere for Clear Channel's operation of a new digital, double faced billboard at 300 Lee Burbank Highway, Revere.

This is not only an occasion for the City to receive impact fee payments but the Agreement grants the City the approval and opportunity to use the billboard to display public service messages on a limited time basis (see paragraph 6 of the agreement).

Pursuant to the agreement's terms the City Council is required in conjunction with this office to approve the Agreement. Accordingly, this communication respectfully requests the City Council move to approve the Development Agreement between the City and Clear Channel.

Thank you for your time and consideration.

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the “Agreement”) by and between CLEAR CHANNEL OUTDOOR, INC., a corporation duly organized under the laws of the State of Delaware, which does business in the Commonwealth of Massachusetts at 89 Maple Street, Stoneham, Massachusetts (“Clear Channel”) and the CITY OF REVERE, a municipal corporation located in Suffolk County, Massachusetts, with its City Hall at 281 Broadway, Revere, Massachusetts 02151 (the “City”) is entered into as of the _____ day of _____, 2015 (the “Effective Date”).

RECITALS

WHEREAS, at a meeting on December 18, 2014, Clear Channel received a Special Permit from the City pursuant to Title 17, Chapter 17.40, Section 17.40.030 of the Revised Ordinances of the City of Revere to reconstruct and convert a legal nonconforming double-faced outdoor advertising billboard located at 300 Lee Burbank Highway, Revere, Massachusetts, Map 7, Block 120A, Lot 4 of the City of Revere, MA, to a double-faced billboard with digital faces (the “Digital Billboard”), which decision was recorded in the Registry on February 3, 2015; and

WHEREAS, the Digital Billboard will be operated in accordance with Massachusetts Department of Transportation amended regulations 700 CMR 3.00 effective December 7, 2012 (“MassDOT Amendment”) in order to allow digital faces to be utilized in the Commonwealth of Massachusetts; and

WHEREAS, the City seeks to be compensated for any impact to the community associated with the installation and operation of the Digital Billboard in the event that all requisite local, state and federal approvals are obtained by Clear Channel for the installation of said Digital Billboard; and

WHEREAS, at the meeting on _____, 2015 the City Council of the City approved this Agreement and authorized the Mayor to execute this Agreement by unanimous vote.

AGREEMENT

NOW, THEREFORE, Clear Channel and the City hereby agree to the following terms, conditions and requirements in connection with the Digital Billboard.

1. Recitals. The parties acknowledge that the foregoing recitals are true and correct and are Incorporated herein as a part of this Agreement.
2. Impact Fees. In the event Clear Channel has received all requisite local and state permits and other approvals to construct and operate the Digital Billboard, Clear Channel agrees to pay an impact fee assessed by the City in the amount of twelve thousand five hundred dollars (\$12,500.00) per face for each year that a Digital Billboard face is fully operational (the “Impact Fee”), for use by the

City to offset the additional costs and obligations of the City in permitting the Digital Billboard to be located within the City subject to the conditions of Section 3. Clear Channel shall pay to the City the Impact Fee for each one year period in advance. The City acknowledges and agrees that Clear Channel may elect at any time, in its sole discretion, to convert a Digital Billboard face to a non-digital face. In such event, no Impact Fee shall be payable by Clear Channel to the City for such Digital Billboard face after the date of such conversion.

3. Conditions. Clear Channel shall be obligated to pay the Impact Fee to the City within thirty (30) days after each of the following conditions have been met: (i) the grant of the special permit (as provided in Recitals above, first paragraph); ; (ii) the issuance of a building permit, and any incidental permits such as an electrical permit if required, for the installation of said Digital Billboard; and (iii) Clear Channel's receipt of all other necessary local, state and/or federal permits, licenses and approvals for the construction, installation, operation, maintenance and repair of said Digital Billboard. The Impact Fee shall be paid thereafter on the anniversary of such date each year that a Digital Billboard face is in operation. Notwithstanding anything to the contrary in this Agreement, the City shall defend and hold harmless Clear Channel from and against any and all claims brought by any third parties deriving or resulting from the Impact Fees to be paid to the City hereunder.

4. Permits. The City agrees to cooperate with, and shall not interfere with, Clear Channel in securing any permits, licenses and approvals for the Digital Billboard from any other governmental department or agency, so long as it is within the City's power to do so and is not a violation of any local, state, or federal law. So long as Clear Channel is not in material breach of this Agreement, the City agrees that it shall not sue or otherwise bring any enforcement action against Clear Channel in connection with the Digital Billboard, consistent with the terms of this agreement, and as permitted by law.

5. Term. The term of this Agreement shall be twenty-five (25) years, the parties may, upon mutual written agreement, extend the term of this Agreement for an additional five years.

6. Public Service Messages. Clear Channel shall provide space to the City on the Digital Billboard for non-commercial City public service messages not to exceed five (5) hours per month (the "City Advertising"). Any unused space will be forfeited and will not roll over. The City agrees to indemnify, defend and hold harmless Clear Channel, from and against any claims, costs (including but not limited to, court costs and reasonable attorney's fees), losses, actions or liabilities arising from or in connection with any allegation that any portion of the City Advertising infringes or violates the rights, including but not limited to, copyright, trademark, trade secret or any similar right, of any third party.

MISCELLANEOUS PROVISIONS

7. The parties acknowledge that each party has received independent legal advice with respect to the advisability of making the agreement provided for herein and with respect to the advisability of executing this Agreement.

8. This Agreement is the entire agreement between the parties with respect to the subject matter hereof, and supersedes all prior and contemporaneous oral and written agreements and discussions. This Agreement may be amended, modified, or changed only by an agreement between the parties in writing.

9. This Agreement is binding upon and shall inure to the benefit of the parties, hereto, and their respective officers, directors, agents, servants, partners, employees, affiliates, subsidiaries, heirs, executors, administrators, representatives, distributors, successors in interest and other related entities and their respective successors and assigns.

10. Each party to this Agreement represents that it has made no assignment of any claims against the other parties.

11. If any provision of this Agreement is prohibited by or invalid under applicable law, such provision will be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement.

12. No waiver of any provisions of this Agreement, or the breach thereof, shall be deemed a waiver of any other provision or breach.

13. The parties acknowledge and agree that this Agreement will be governed by the laws of the Commonwealth of Massachusetts. The Parties further agree that any disputes arising from this Agreement shall be required to be submitted to the proper court(s) located within Massachusetts.

14. This Agreement may be executed with multiple signature pages in one or more counterparts, and fully executed counterparts shall be considered one and the same Agreement. This Agreement shall become a binding agreement when a fully executed counterpart is received by counsel for each of the parties hereto. Facsimile and/or e-mailed signature pages will be considered an executed Agreement by the parties.

Executed as a sealed instrument, covenant and agreement as of the Effective Date set forth above.

Motion presented by the City Council: That the City Council go on record as approving the Development Agreement between the City of Revere and Clear Channel.

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

15-204 24. Comm. from the Mayor:

The Garfield School – Roof Replacement Feasibility study (\$50,000.00)

The Supt. of Schools Dr. Paul Dakin has notified the City that the Garfield School is in need of a complete roof replacement. Superintendent Dakin has made application (statement of interest) to the Mass. School

Building (MSBA) for the reimbursement of the cost of the replacement of the roof. The next step for the City is to conduct a feasibility Study which is a requirement of the application process. Once this study is completed the MSBA will then review it and notify the City the amount of reimbursable costs.

In closing, I strongly recommend that your Honorable Body approve this loan order expeditiously in order that the process is not delayed. The Director of Finance George Anzuoni, has submitted a payment schedule for the fifty thousand and an updated overall proposed debt schedule for your edification.

Ordered referred to a public hearing.

15-205 25. This letter is a formal request to add the provided resolution for approval regarding the National League of Cities (NLC) Service Line Warranty Program to the Revere City Council Meeting agenda scheduled for Monday August 24, I am happy to attend this meeting and field questions from the City Council as well. I look forward to hearing back from you for confirmation on this resolution request. Thank you for your time.

Ordered subject matter tabled.

Motions

15-196 26. Ordered on a Motion presented by Councillor Guinasso: That the City Council award Certificates of Appreciation to Revere firefighters Steve Mullen, Dave Stankovski, and Paul McInnis for winning the 28th Annual Firefighter "5" Mile Road Race held on July 21 In Hamilton.

15-197 27. Ordered on a Motion of Councillor McKenna: That the Mayor and City Engineer contact the Dept. of Conservation and Recreation to analyze and assess traffic signalization on Route 16 at Winthrop Avenue. The new traffic signals are causing massive delays and inconveniences to Revere Residents and others using this roadway.

15-198 28. Ordered on a Motion presented by Councillor McKenna: That the Mayor request the Director of Inspectional Services and Chief of Police to monitor Louis Pasteur Park for illegal activity and for dog owners refusing to curb their pets.

15-199 29. Ordered on a Motion presented by Councillor McKenna: That the Mayor request the Traffic Commission to establish a "No Truck Zone – Business Use Only" for Winthrop and Crescent Avenues.

15-200 30. Ordered on a Motion presented by Councillor Patch: That the Mayor request the Police Department to present their 2014 Annual Report at the next public Safety Sub-Committee meeting to be held in September.

15-201 31. Ordered on a Motion of Councillor Guinasso: That the Mayor request the Traffic Commission to establish a 15 minute parking zone at 307 Revere Street. (Quick Food Store).

15-202 32. Ordered on a Motion presented by Councillor Powers: That the Mayor direct the DPCD to arrange to have a sidewalk installed where possible on the lower end of Cary Avenue. This is to be completed in the interest of public safety due to the fact that students utilize this portion of Cary Avenue to walk to school.

Ordered on a Motion of Councillor Zambuto: That the City Council now stands adjourned to meet on Monday, September 21, 2015.

Ordered adjourned at 9:15 P.M.

Attest:

City Clerk