

**City Councillor  
Joseph A. DelGrosso  
City Council Chamber  
February 22, 2016**

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

**President Giannino presiding.**

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

**2. Roll Call of Members: Councillors Guinasso, Haas, Keefe, McKenna, Novoselsky, Patch, Powers, Zambuto and President Giannino present. Councillor Morabito was seated at 6:15 P.M. Councillor Rotondo was absent.**

**3. Approval of the Journal of the meeting of January 25, 2016.**

**The Journal of the meeting held on January 25, 2016 was declared approved as presented.**

**Ordered received and placed on file.**

**Councillor Guinasso moved at this time that the City Council now stand in a moment of silence for the late Maureen Reinstein and John Cammarata who passed away over the weekend.**

**4. Mayor Arrigo will address the City Council to provide an agenda outlining his first term in office.**

**Addressing the Council at this time was Mayor Brian Arrigo**

**Ordered received and placed on file.**

**16-020 5. A representative from Revere Adult Day Health Care Center will appear before the City Council to answer questions relative to alleged violations at 765 Revere Beach Parkway, Revere, MA.**

**Addressing the Council at this time was Attorney James Cipoletta**

**Subject matter referred to the Committee on Public Safety.**

**Public Hearings**

**16-028 6. Hearing called, as ordered, on an ordinance further amending the Zoning Ordinances of the City of Revere by amending the definition of “kennel”.**

**Proponents**

**Officer Julie Malvarosa  
Revere Police Department**

**Opponent**

None

Hearing held, subject matter referred to the Zoning Committee.

**16-004**

**C-16-01** 7. Ordered on a Motion of Councillor Novoselsky: That the City Council Rules of Order be suspended at this time for the purpose of taking up a communication regarding the Special Permit application of Joseph Bradford Hart, 485 Beach Street, Revere, MA.

**Communication from Joseph Bradford Hart:**

**Re: Request for withdrawal of special permit application C-16-01, 485 Beach St., Revere, MA 02151.**

**I, Joseph Bradford Hart, hereby request that you allow me to withdraw my special permit application without prejudice.**

**Motion presented by Councillor Novoselsky: That the petitioner be given the privilege of withdrawing without prejudice at this time.**

**No objection from the Council**

**Applicant was allowed to withdraw without prejudice on a Roll Call: Councilors Guinasso, Haas, Keefe, McKenna, Morabito, Novoselsky, Patch, Powers, Zambuto and President Giannino voting "YES". Councillor Rotondo absent.**

**The chair referred back to the regular order of business.**

**16-40 8. Hearing called, as ordered, upon the petition of Verizon for Joint pole relocation on Fernwood Avenue, within the City of Revere.**

**Proponents**

None

**Opponents**

None

Hearing held, subject matter tabled until the next regular meeting.

**Unfinished Business**

**16-023 9. Re: Motion of Councillor Patch relative the Shell Gas Station at 174 Squire Road. (Tabled on February 1, 2016).**

**Ordered subject matter taken from the table at this time.**

**Motion is now before the Council:**

**That the Mayor request Inspectional Services and the Police Department Traffic Division to cite the owner of the Shell Gas Station (174 Squire Road) and the adjoining auto body repair shop (1914-200 Squire Road) for the following alleged violations: 1. Vehicles for repair are being stored on the gas station lot and on Newman Street. 2. Large trucks are possibly being permanently stored at the repair station. Vehicles are travelling the wrong direction on Squire Road when being moved from the Gas station to the Repair station on the opposite corner of Newman Street.**

**Motion was taken from the table and Ordered on a Roll Call: Councillors McKenna, Morabito, Patch, Powers, Zambuto and President Giannino voting “YES”. Councillors Guinasso, Haas, Keefe and Novoselsky voting “NO”. Councillor Rotondo absent.**

### **Committee Reports**

**The Committee on Ways and Means recommends adoption of the following Committee Report:**

**16-015 10. Motion presented by Councillor Rotondo: That the Mayor and City Council obtain an audit of all Municipal offices, to review the appropriations of grants, the allocation of no interest loans as well as the operations and procedures of all offices in city government as economically feasible. Further, that said audit be conducted by the State Auditor as was previously performed on the DPW.**

**16-018 11. Motion presented by Councillor Rotondo: That the City of Revere establish an ordinance creating a municipal facilities fund, in which 10 – 20% of certified free cash be transferred to this fund on an annual basis.**

**Ordered that the subject matters be referred back to Committee.**

### **Communications**

**16-41 12. 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 respectfully request that J. Masterson Construction Corporation be approved as a Licensed Drain Layer for the City of Revere.**

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

**Mr. Jeff Masterson 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.**

**16-020      13.    Comm. from the City Solicitor:**

**Re:    Special Permit Revocation Adult Day Health Care Center and Wonderland Dog Track Parking Lot License**

*Special Permit Revocation*

The City Council requested that my office “investigate the Special Permit revocation process for the operation of the Adult Day Health Care Center and report [my] opinion back to the City Council . . . .” (See attached letter from Mayor Arrigo.) Accordingly, I have reviewed the law as relates to special permits and conclude the following:

- The controlling authority for special permits is Mass. Gen. Laws Ch. 40A, also known as the Massachusetts Zoning Act.
- There is no “revocation process” delineated in the Zoning Act.
- Rather, the relevant provision of Ch. 40A is its enforcement mechanism, §7, which allows the “enforcement officer” (building inspector) to enforce the conditions of a special permit. Massachusetts Courts recognize that the “conditions of a . . . special permit are subsumed in the provisions of c. 40A and ordinances or by-laws under which they are promulgated; they are part of the zoning law to be enforced.”<sup>1</sup> The building inspector is “well within his authority . . . to enforce . . . the conditions of the special permit and the [city’s] zoning [ordinances].”<sup>2</sup>

Absent the ability to revoke a special permit, the only option is to enforce the special permit and the conditions provided therein. Therefore, the building inspector may enforce the special permit in the same manner in which he would enforce the City’s zoning ordinances or the state’s building codes.

*Revoking or Suspending a Parking Lot License*

The Council also requested that my office “investigate the process with regard to revoking and/or suspending the Parking Lot license issued at the Wonderland Dog Track on VFW parkway.” According to my investigation:

- The relevant statute is Mass. Gen. Laws ch. 148, § 56.
- According to § 56, “no person shall engage in the business of conducting or maintaining an open-air parking space without a license therefore granted . . . by the local licensing authority, approved in all cases by the head of the fire department. . . . [Licenses] may be suspended or revoked by [the local licensing] authority and by the head of the fire department.”

Depending on the conditions of the license at issue, either the Revere Fire Department or the Revere Licensing Board (which issues the license), may

<sup>1</sup> *Wyman v. Zoning Bd. Of Appeals of Grafton*, 47 Mass. 635, 641 (1999).

<sup>2</sup> *Town of Stoughton v. Capozzoli*, 60 Mass. App. Ct. 1121 (2004)

revoke or suspend a parking space license. Normally, a report or complaint will be presented to the Licensing Board. In response, the Licensing Board will schedule the licensee to appear at a hearing before the Board to address the matter, after which the Board will render a decision whether to revoke, suspend, or take no action.

I was not provided any details on either the day care center or the parking lot license, so my opinion provides a broad overview of the information requested by the Council. However, please feel free to contact me if you have any questions or require additional information.

Ordered received and placed on file.

16-42 14. Comm. from Michael Sweeney, Ma. Lottery Commission:

The Massachusetts State Lottery is offering a KENO monitor to existing KENO to go agents to display the game at their location. In accordance with MGL c. 10, Section 27A, as amended, you are hereby notified of the Lottery's intent to install a monitor at the following KENO to go agent (s) in your community:

Bread and Basket  
535 Broadway  
Revere

If you object to these agent (s) receiving a monitor, you must do so in writing within twenty one days of receipt of this letter. Please address your written objection to Christian Gonsalves, General Counsel, Legal Department, Massachusetts State Lottery Commission, 60 Columbian Street, Braintree, MA 02184. Should you have any questions regarding this program or any other issues relative to the Lottery, please call me at 781-849-5555. I look forward to working with you at the Lottery continues its efforts to support the 351 cities and towns of the Commonwealth.

Ordered received and placed on file.

CZ-16-02 15. Comm. from the Mayor:

Re: Floodplain Zoning Amendments

Recently, the Federal Emergency Management Agency (FEMA) has completed a flood insurance study (FIS) and Revised Flood Insurance Rate Map (FIRM) for the City of Revere. The FIS and FIRM will become effective on March 16, 2016. In accordance with 44 Code of Federal Regulations Paragraph 60.3(d) and (e) of the National Flood Insurance Program, the City of Revere must adopt the required amendments to the City's Floodplain Zoning Ordinance to reflect the new Flood Insurance Rate Maps.

I have attached the required Floodplain Zoning Amendments, which need to be adopted to bring our floodplain zoning ordinance into compliance with FEMA's new floodplain management measures and revised FIRM need to be adopted by March 16, 2016, I recommend that the City Council and

Planning Board advertise for the public hearing as soon as possible so the City can meet the effective deadline.

Ordered referred to a public hearing on March 7, 2016.

### Motions

**16-029** 16. Motion presented by Councillor Rotondo: That the Mayor look into the feasibility of urban farming and husbandry as permitted in the City of Boston.

Motion was tabled.

**16-030** 17. Ordered on a Motion presented by Councillor Keefe: That the Mayor request the Traffic Commission to amend Schedule IX of Title 10 Resident Parking Areas of the Revere Revised Ordinances by including Haskell Avenue. This motion is being made due to the resident parking restrictions both Everett and Chelsea have in place, which in turn impacts the available parking for residents on the Revere portion of Haskell Avenue.

**16-031** 18. Ordered on a Motion presented by Councillor Haas: That the Mayor request the Superintendent of Public Works to report to the City Council on whether or not outside water meters will be allowed under the new water meter system.

**16-032** 19. Ordered on a Motion presented by Councillor Haas: That the Mayor request the Police Department – Traffic Division to increase the timing of the traffic signal on Malden Street for vehicles entering onto Broadway. Further, that MassDOT and the Traffic Commission be requested to complete a study on the timing of traffic signalization along North Shore Road from Wonderland to Mills Avenue. The traffic signalization has been decreased significantly causing traffic jams at all times of the day.

**16-033** 20. Motion presented by Councillor Haas: That the Mayor be requested to convene a meeting with Inspectional Services, Department of Public Works, and the Police to discuss enforcement of the City Ordinances as it pertains to storefront signage and advertising. A-frame signage, window coverings, balloons, and transient vendors have been a concern as of late which is the reason for the submission of this motion.

Ordered referred to Legislative Affairs Committee.

**16-034** 21. Motion presented by Councillors Rotondo and Keefe: That the Mayor request the appropriate department to address the following quality of life issue. Light out on pole # 2307@ 55/56 Furness Street, posing safety issue to homes in the vicinity; graffiti on the side of the building at 317/315 Park Avenue - directly under a Rotondo campaign banner. A large piece of graffiti (approx. 3 feet by 3 feet) has been on the side of this brick building for at least a year. (Note that a fire occurred in the building in April 2015; the graffiti pre-existed the fire.) Abandoned home at 24-26 Furness. Home abandoned for five years, and you and I discussed it during your campaign stop. Overgrown shrubs overspill into the sidewalk, and there is an accumulation of debris around the perimeter of the building. (Note that the

property was in foreclosure proceedings in December 2014 and remains abandoned and unmaintained.)

Motion was tabled.

**16-035** 22. Motion presented by Councillor Rotondo: That the Mayor look into the feasibility to legally intervene in the rezoning of FEMA and MEMA flood zone maps. The rezoning will have a significant effect on over 25% of the homeowners in Revere.

Motion was tabled.

**16-036** 23. Motion presented by Councillor Rotondo: That the Mayor look into the feasibility of establishing a volunteer medical response team. The purpose of this team would be identify Health Care professional who would volunteer and work with the Fire Chief to provide first aid during events, such as the sand castle event.

Motion was tabled.

**16-037** 24. Ordered on a Motion presented by Councillors Morabito and McKenna as amended: That the Mayor request the DPW to install a “Stop Sign Ahead” sign and STOP markings on pavement two poles before the stop sign which is located on Winthrop Avenue at the intersection of Summer Street. The stop sign at this location is not easily visible to drivers and warning signage would caution drivers in this dense residential area heavily travelled by pedestrians and children.

**16-038** 25. Ordered on a Motion presented by Councillor Guinasso: That the Mayor request the Traffic Commission to issue a handicapped parking sign in front of 266 Cushman Avenue at the request of the resident.

**16-039** 26. Ordered on a Motion of Councillor Powers: That the Mayor request the DPW to inspect the sewer structure and cover in front of 37 Alice Street to determine why the cover is displaced during plowing. Further, that the necessary repairs be made to prevent this happening in the future. This has happened several times in the past and is a danger to the general public.

Ordered on a Motion of Councillor Zambuto: That the City Council now stands adjourned until Monday evening, March 7, 2016 at 6:00 P.M.

Ordered adjourned at 8:05 P.M.

Attest:

Ashley Melnik  
City Clerk