

**City Councillor
Joseph A. DelGrosso
City Council Chamber
Journal
September 12, 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, Morabito, Novoselsky, Patch, Powers, Rotondo, Zambuto and President Giannino present.

3. Re: Approval of the Journal of the meeting of August 22, 2016.

The Journal was declared approved as presented.

President Giannino moved at this time, that the City Council now observe a moment of silence for Marianne MacFarlane, a Revere resident who was victim of 9/11.

16-236 4. Certificates of Appreciation will be awarded to Kayla and Jordan Martelli for their hard work in running Alex's Lemonade Stand for five years and for raising over ten-thousand dollars for the benefit of children's cancer research.

Ordered received and placed on file.

12-022 5. Joint meeting of Comcast, National Grid, and Verizon to discuss double poles and utility work being done within the city.

Addressing the Council at this time were the following:

**Tim Kelly, Comcast
Stan Usovicz, Verizon**

Ordered received and filed.

President Giannino moved – suspension of rules for the purpose of taking up a late communication.

16-270 6. Comm. from the Mayor:

I hereby request the Council suspend the rules and vote to approve an immediate transfer of \$25,000.00 into the Solicitor’s Office Settlement and Release Account for the purpose of settling a lawsuit against the City.

The Solicitor’s Office recently entered into a settlement agreement with a plaintiff which provided that payment would be made thirty (30) days after the plaintiff and her attorney signed the agreement. They signed the agreement on August 15, 2015, so payment is due by September 15, 2016.

The lawsuit arose after a candidate for the position of Assistant Superintendent of Personnel Services, after not being offered the position, sued the School Department and the city for age and gender discrimination. Since we will not be in Executive Session, and therefore not at liberty to address the merits of her claim, or the City’s legal analysis, the Solicitor’s Office strongly recommended settlement as a fair and reasonable resolution of the matter rather than risk the uncertainties of trial and potentially far greater damages award, including substantial attorney’s fees.

Motion presented by Councillor Haas: That the following sum be appropriated by transferring said sum as follows:

<u>From</u>	<u>To</u>
Solicitor – Outside Legal	Solicitor – Releases/Settlements
\$25,000.00	\$25,000.00

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

The Chair referred back to the regular order of business.

Public Hearings

16-245 7. Hearing called, as ordered, on the proposed loan order in the amount of \$50,000.00 for the cost of planning and design services for the Garfield School boilers.

Proponents

Mayor Brian Arrigo

Opponents

None

Hearing held, subject matter is now before the City Council for a vote.

Ordered on a motion of Councillor Novoselsky: That the City Council approve the following Loan Order:

A BOND ORDER TO PAY COSTS OF DESIGN/PLANNING SERVICES FOR THE REPLACEMENT OF THE GARFIELD ELEMENTARY SCHOOL BOILERS:

That the City appropriates the amount of Fifty Thousand Dollars (\$50,000) for the purpose of paying costs of design/planning services for the replacement of the Garfield Elementary School boilers, located at 170 Garfield Avenue, in Revere, Massachusetts, including the payment of all costs incidental or related thereto, and for which the City may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Committee. To meet this appropriation the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City and the MSBA.

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.

Roll Call: Councillors Guinasso, Haas, Keefe, McKenna, Morabito Novoselsky, Patch, Powers, Rotondo, Zambuto, and President Giannino voting “YES.”

16-246 8. Hearing called, as ordered, on the petition of Mobilitie, LLC to install small cell equipment or backhaul transport equipment at the following utility pole locations as shown on the plans submitted:

Intersection of Marshall and Pemberton Streets.
Intersection of Broadway and Reservoir Ave.
Intersection of Winthrop Ave. and North Shore Rd.
Intersection of Walden St. and Shirley Ave.
Intersection of Garfield Ave. and Cove St.
Intersection of Sumner St. and Walnut Pl.
Intersection of Crescent Ave. and Bennington St.

Proponents

Rosanna Ferrante, 12 Janie Road, Marblehead

Opponents

None

Hearing held, subject matter was referred to the DPW Sub-Committee.

16-271 9. Hearing called, as ordered, on the petition of National Grid for underground conduit locations on Belcher Street.

Proponents

Representative from National Grid

Opponents

Mr. McKay, 168 Broadsound Avenue

Hearing held, subject matter referred to the DPW sub-committee.

Ordered on a Motion of Councillor Rotondo: That the rules be suspended at this time for the purpose of taking up a late motion.

16-267 10. Motion of Councillor Rotondo: That the City Council enact, without alteration, the measure proposed by the initiative petition submitted to the Council for consideration on August 22, 2016, which reads as follows: “No person or entity shall hold a Category 2 gaming license, as such term is defined in MGL, ch. 23K § 2, unless such Category 2 License is issued, following the licensing process outlined in MGL, ch. 23K, for a site that is at least four acres in size and includes lands that front both Revere Beach Parkway/Winthrop Parkway and Pratt Court.

Substitute Motion presented by Councillor Novoselsky: That the subject matter be placed on file.

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

Councillor Rotondo referred back to the regular order of business.

Unfinished Business

16-233/C-16-06

PUD-16-01 11. Zoning Sub-Committee Report

#205 Revere Beach Parkway (Tabled on August 22, 2016)

Special Permit is now before the City Council:

Addressing the Council on the subject matter were the following;

**Mayor Arrigo
Dan Rizzo, 35 Roland Road
Ed Deveau, 216 Crescent Avenue
Gregg Bilecki
William Bell, 235 Revere St.
Kenneth Orne, 131 Endicott Avenue
Bob Upton, Revere Chamber of Commerce
Darlene Jones, Jones Road
Matthew Amato, 302 Reservoir Avenue
Michael Falzone
Kathleen Heiser, 51 Endicott Avenue
Carol Tye, 51 Endicott Avenue
Jane Dumas, 50 Walnut Avenue
Ted Silverman, 174 Endicott Avenue
Resident, 322 Proctor Avenue
Richard Fernandez, 869 Broadway
Eric Marte, 322 Proctor Avenue
Resident, 85 Standish Road**

That the relief requested be granted on the application of TransDelCorp/Gate Residential Properties, LLC c/o Redgate, 265 Franklin Street, 6th Floor Boston, MA, 02110, seeking permission from the Revere City Council to construct a planned unit development comprised of a 5-story hotel consisting of 132 keys and a 6-story multi-family residential building consisting of 195 residential units located at 205 Revere Beach Parkway, Revere, Ma., subject to the following conditions submitted by the Site Plan Review Committee as follows:

PROJECT REVIEW FINDINGS AND CONDITIONS

I. SITE PLAN:

- 1. The site plan dated June 30, 2016 with revisions, prepared by Howard Stein Hudson shall reference the conditions of the special permit. Further, the site plan is subject to the requirements of the Massachusetts Department of Transportation, the Department of Conservation and Recreation, the Massachusetts Environmental Policy Act Unit and Revere Conservation Commission as may be applicable. These conditions are to be incorporated into and made a part of the final site plan and special permit. The final site plan and special permit must be recorded in the Suffolk County Registry of Deeds if approved by the City Council.**

2. The final building plans must be submitted to the Fire Department for approval and compliance with fire safety codes.
3. The PUD site plan provides for a total of 298 parking spaces for a proposed development comprising a total of 243 bedrooms (147 one bedroom units and 48 two bedroom units) and 132 hotel rooms. This transit oriented development parking ratio, due to its close proximity to the Beachmont T Station equates to 1.19 spaces/unit for the residential component and 0.5 spaces/room for the hotel component.
4. The 132 key hotel shall not be converted to any type of residential use including but not limited to apartments, condominiums, lodging house or rooming house, assisted living facility, or sober living facility.

II. TRAFFIC AND PEDESTRIAN SAFETY

1. A traffic technical memorandum, as a supplement to the traffic impact assessment prepared by Howard Stein Hudson dated July 1, 2016, shall be provided of the impacted project area addressing proposed pedestrian safety and traffic safety improvements at the following intersections:
 - North Shore Road/Revere Beach Parkway
 - Tomasello Drive/Revere Beach Parkway
 - Site Driveway/Revere Beach Parkway
 - Winthrop Ave./Revere Beach Parkway
 - Ocean Ave./Revere Beach Parkway
2. Access to the proposed development shall be provided by two driveways. One located at the center of the site between the two proposed buildings (the easterly driveway) and one at the western end of the site (the westerly driveway). Access to the easterly driveway from east bound traffic on Revere Beach Parkway shall be controlled by a new left hand turn signal and designated left hand turn lane on Revere Beach Parkway. The project proponent must provide for the design and implementation of an optimal traffic signal and timing and phasing plan for this intersection per DCR requirements to accommodate the project site driveway. Subject to DCR review and approval, the project shall also provide for (i) traffic signal coordination and (ii) installation of an emergency vehicle pre-emption system at the intersections of Revere Beach Parkway/North Shore Road, Revere Beach Parkway/Tomasello Way/Project Site Westerly Driveway, the Revere Beach Parkway/Project Site Proposed Easterly Driveway, and Revere Beach Parkway/Winthrop Ave.

3. The easterly and westerly driveways into the site from Revere Beach Parkway must be a minimum of 24-feet in width, accommodating two-way travel.
4. The project proponent shall provide for the elimination of the existing non signalized pedestrian crosswalk on Revere Beach Parkway from the site and its replacement with a signalized pedestrian actuated cross walk with curb ramps on both sides of Revere Beach Parkway at the easterly driveway location.
5. The project proponent shall work in coordination with the Department of Conservation and Recreation (DCR) to explore options for pedestrian safety measures, crosswalks and curb ramps as well as expanded landscaped medians at the Ocean Avenue/Revere Beach Parkway intersection for safe pedestrian access to Revere Beach.
6. Two travel lanes with pavement markings shall be provided for on the Winthrop Ave. westerly approach to Revere Beach Parkway where existing roadway width provides.
7. The project proponent shall provide for the upgrade of the existing crosswalk immediately west of the westerly driveway at the intersection of Revere Beach Parkway/North Shore Road crossing Revere Beach Parkway to make it ADA accessible.
8. The project proponent shall provide for the installation of a new concrete sidewalk including the planting of street trees along the northerly side of Winthrop Ave. from Revere Beach Parkway to Washburn Ave.

III. SEWER, WATER AND DRAINAGE

1. The project proponent must pay a sewer mitigation fee, which is based on 10 times 110 gallons/bedroom times \$1.30/gallon. Based on the proposed 375 bedrooms (hotel and residential), the sewer mitigation fee shall be \$536,250. The sewer mitigation fee shall be utilized to remove inflow and infiltration from entering the sanitary sewer system and shall be paid to the City of Revere in two installments, 50% prior to the issuance of a building permit and 50% prior to the issuance of an occupancy permit.
2. The project proponent shall provide for a new 8" PVC sewer service to be installed from manhole #S2405 at the intersection of North Shore Road and Revere Beach Parkway into the site and shall be designed in accordance with specifications approved by the City Engineer and DPW Superintendent.
3. The project proponent shall provide for the replacement of the existing hydrant in front of the site and installation of a second hydrant south of the main entrance drive

and a third hydrant just south of the westerly entrance drive. New hydrants shall conform to the specifications of the City Engineer and the DPW.

4. Fire hydrant pressure and flow tests shall be undertaken at the site along Revere Beach Parkway. Any improvements necessary to the water system to meet adequate domestic and fire flow to each building shall be performed by the project proponent as required by the City Engineer, DPW and Fire Department. Water service and appurtenances to each building shall be performed in accordance with the City Engineer, DPW and Fire Department requirements.
5. The project proponent shall provide for the installation of new 14" water main from North Shore Road to Bennington Street/State Road in accordance with design layout and specifications approved by the City Engineer and the DPW.
6. The final plan shall include stormwater drainage details including stormwater management measures such as infiltration chamber systems, deep sump catch basins with oil and gas separators and upgrade of the existing outfalls into Sales Creek in accordance with specifications to be approved by the City Engineer, DPW, Conservation Commission, and the DEP.
7. A storm water infiltration chamber system shall be constructed for each building.
8. Since construction activities involve disturbance of more than one acre, the project is subject to regulations under the NPDES storm water program. Therefore, the NPDES general permit must be filed with EPA/DEP for storm water management. The storm water drainage system within the site shall conform to the requirements of the City of Revere storm water management ordinance and be in compliance with DEP storm water regulations. The storm water management measures outlined in the permit must be incorporated into the final site plan.

IV. LANDSCAPING AND OPEN SPACE

1. In accordance with Section 17.20.170 of the Revised Revere Zoning Ordinance for a Planned Unit Development, at least 10% (26,870 s.f.) of the land area of this development site must be set aside for permanent usable open space. This open space area shall be provided along the full frontage of the property on Revere Beach Parkway and along the southerly and northerly ends of the site. The landscaping and open space plan dated July 7, 2016 with revisions has been approved by the Project Review Board and the landscaping shall be installed pursuant to that plan. This landscaping plan includes the planting of mature trees (minimum caliper of 3") along the full frontage of the property and along the southerly and northerly ends of the site as well as along the edge of Sales Creek, which will be subject to the approval by the

Conservation Commission. The landscaping plan shall also include a linear landscaped park along the frontage of the property on Revere Beach Parkway including such amenities that promote an active and vibrant outdoor area suitable for public use including landscaped plazas, gardens with up lighting and walking paths with ornamental light poles. Outdoor terraces and gardens shall be provided throughout the development site as well as an outdoor pool area for residents and dog park for residents. This plan complies with the open space requirements of Section 17.20.170 B of the Revised Revere Zoning Ordinance.

2. Irrigation systems shall be installed for all landscaped areas within the project site.
3. All landscaped and open space areas are to be maintained by the owner of the property and the owner must submit a yearly property landscape maintenance agreement/program to the Project Review Board and Department of Inspectional Services for execution. The annual landscape maintenance program shall include the replacement of all trees and shrubs which may be damaged within the project site, weed control, mulching, grass cutting, watering, and fertilizing. The owner of the property shall also be responsible for the removal of all litter and debris within the site property including along the bank of Sales Creek bordering the site. This shall also be included within the yearly maintenance agreement. In addition, the project proponent shall undertake an initial removal of all surface debris within Sales Creek from North Shore Road to the easterly property line at the Washburn Ave. headwall prior to the issuance of an occupancy permit.
4. It is further recommended that the developer execute a landscape improvement and maintenance agreement for DCR review and approval for the tree lined median strip in front of the property along Revere Beach Parkway including the medians at the intersection of Revere Beach Parkway and State Road at the easterly end of Revere Beach Parkway.
5. All curbing, walkways and sidewalks within the site shall be concrete and all site entry driveway curbing shall be granite.
6. The existing bituminous sidewalk along the full frontage of the property shall be replaced with a concrete sidewalk. The scope of this work shall start at the intersection of North Shore Road to the west and end at the intersection of Revere Beach Parkway/Eliot Circle including ADA accessible curb ramps, provided, however, that all improvements to the sidewalk shall comply with DCR standards. The existing concrete sidewalk at the bridge over Revere Beach Parkway shall remain as-is.

V. NOISE, LIGHTING AND AESTHETIC CONTROLS

1. **The site lighting scheme shall be subject to the approval of the Site Plan Review Committee and all lights within the parking areas that may impact abutting residential properties shall provide screens/deflectors and/or soft or directional lighting to minimize light being reflected on abutting residential properties, so long as minimum light levels per applicable code requirements are maintained.**
2. **Lighting along the frontage of the site shall be established by the installation of ornamental light posts behind sidewalk within the open landscaped area and linear park along the full frontage of the site. The specifications for the ornamental light posts shall be approved by the Project Review Board.**
3. **All rooftop mechanical units shall be set back from building's perimeter in a manner that limits visibility from the street level and include acoustical mitigation and/or noise baffle devices if necessary.**
4. **Surveillance cameras focused on building access and egress points shall be installed along the rear exterior perimeter of the residential buildings adjacent to Sales Creek. The location of the security cameras shall be coordinated with the Chief of Police.**
5. **The exterior design of the buildings shall; (a) include material that is approved by the Project Review Board and Site Plan Review Committee and which provide for a variety of exterior building products including accents such as nichiha wood grain; (b) provide visual breaks between each building's roofline by extended parapets; (c) include increased glazing at the east corner of the hotel building and at the east and west corners of the residential building face to make these edges more visually pronounced and; (d) provide a minimum of 30% of the building exterior, excluding enclosed parking façade area, to be glass. Additionally, the project proponent shall provide to the Project Review Board design details for a prominent architectural signage feature at the main site entrance that distinguishes the development.**
6. **All service entry deliveries shall be limited to the hours of 8 am to 6 pm.**
7. **Detailed plans shall be provided to the Project Review Board for a buffer and screening area along the westerly side of Sales Creek adjacent to the parking lot which shall include the planting of evergreens as may be feasible due to physical slope and wetlands constraints and/or the installation of a privacy fence on top of or along the proposed retaining wall to protect the adjacent neighborhood from visual impacts from the proposed development. In addition, it is recommended that the developer meet with abutters on Eliot and Standish Road to discuss options for fencing at the rear of their properties as an additional buffer.**

VI. COMMUNITY IMPROVEMENT TRUST FUND

1. As noted above, the project proponent shall make a payment into the Community Improvement Trust Fund in accordance with Section 17.47.010 of the Revised Revere Zoning Ordinance in two equal installments totaling (3%) of the total construction costs of the building within the PUD beyond which is allowed by right in the HB District. For the purpose of this special permit, 3% of the construction costs shall be based on the construction costs associated solely with the residential units.
2. The construction cost shall be determined by the Site Plan Review Committee. In determining the construction costs, the proponent shall submit the construction costs to the Site Plan Review Committee to review and compare with the median square foot construction costs of an appropriate building category as noted in the most current Means Construction Guide published by the Means Company.
3. The Community Improvement Trust Fund was established in the City Treasury in accordance with Section 17.47.020 of the Revised Zoning Ordinance of the City of Revere.
4. The monies deposited into the fund may be expended exclusively within the impacted area in accordance with Section 17.47.030 of the Revised Zoning Ordinances of the City of Revere.
5. The project proponent shall make a payment to the City in the amount of \$100,000 to be used towards improvements in Donnelly Square.

Motion to grant the relief requested was ordered on a Roll Call: Councillors Guinasso, Haas, Keefe, Morabito, Novoselsky, Powers, Zambuto and President Giannino voting “YES”. Councillors McKenna, Patch, and Rotondo voting “NO.”

Ordered on a Motion of Councillor Haas: That the City Council Rules of Order be suspended for the purpose of filing reconsideration on the vote taken.

Councillor Rotondo is being recorded as “NO”.

Councillor Haas moved for immediate reconsideration with the hope it would not prevail.

Reconsideration declared Lost.

Councillor Haas referred back to the regular order of business.

16-244 12. Report of the Appointments Sub-Committee

Comm. from Mayor requesting the waiver of the residency rule for Mr. Reuben Kantor, Director of Innovation and Data Management.

Motion presented by Councillor Guinasso: That in accordance with Title 2, Chapter 2.06, Section 2.06.060 (b), that a residency waiver be granted to Mr. Reuben Kantor, who will be filling the position of Director of Innovation and Data Management.

Addressing the Council was William Bell, 235 Revere Street, Revere

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

Communications

16-233 13. Comm. from the Mayor:

I am writing in regard to Council Order #16-233, requesting that my office look into the feasibility of bringing RCN other cable companies to Revere to create competition. Please be advised that I have already been in contact with representatives of other cable and internet providers in hopes of bringing competition to this space in Revere.

Ordered received and placed on file.

Motions

16-247 14. Motion presented by Councillor Rotondo: That the Mayor look into or allow a designee to look into the feasibility of asking local stores to donate or allow local charities to buy food that they may disposing of, which may be edible for a nominal fee.

Motion tabled until next meeting.

16-248 15. Motion presented by Councillor Rotondo: That the Mayor and City Solicitor meet in Executive Session with the City Council regarding all current, potential legal actions to be taken against the city, and any legal challenges anticipated by the administration against any entity.

Motion tabled until next meeting.

16-249 16. Motion presented by Councillor Rotondo: That the Mayor or his designee, if not already in process, organize a list of volunteer citizens that have both linguistic and or medical skills and training.

Motion tabled, until the next meeting.

16-250 17. Ordered on a Motion presented by Councillor Powers: That the Mayor direct the Recreation Department to order equipment that has been destroyed at the Neponset Street mini park. Further, that the DPW in the interim remove the broken equipment from the park and make arrangements to have the new equipment installed.

16-251 18. Ordered on a Motion presented by Councillor Guinasso: That the Mayor request the Traffic Commission to install a handicap parking sign in front of the home at 76 Pitcairn Street. This motion is submitted at the request of the home owner.

16-252 19. Motion Presented by Councillor Rotondo: That the City of Revere permit micro pantries throughout the city. Micro pantries allow caring people in a community to leave non-perishable food in a micro pantry on a first come first basis. This concept is very similar to what is done widely in Europe. Likewise, that the Mayor or his designee initiate such a program with all stakeholders of the community to solicit volunteers and create long term process to help our families.

Motion tabled, until next meeting.

16-253 20. Ordered on a Motion presented by Councillor Keefe: That the Mayor request the DPW to install a “No Left Turn” and “One-Way” sign on the sidewalk facing the Post Office parking lot. Many vehicles exiting the lot take a left on the one-way to avoid driving around the block. (Rule 37, March 30, 2016).

16-254 21. Ordered on a Motion presented by Councillor Powers: That the Mayor request DCR to trim the trees on the grassy area on the Lynnway directly across from Lancaster Avenue.

16-255 22. Ordered Motion presented by Councillor Rotondo: That the Director of RevereTV and board members John Cammarata and Myles Lange Kennedy appear before the Legislative Affairs Sub-Committee and or City Council to discuss the event of the August 29, 2016 Legislative Affairs Sub-Committee Meeting and the attempt by Chief Executive Officer Omar Boukili to stop programming due to a lack of a quorum.

Ordered on a Motion of Councillor Rotondo: That the rules be suspended for purpose of filing immediate reconsideration.

Reconsideration declared Lost.

16-256 23. Motion presented by Councillor Rotondo: That the Mayor request the School Committee and Superintendent Kelly to look into the feasibility of offering a Halal/Kosher diet in the Revere School District. As well as the feasibility of a gluten free diet, if not in already place.

Ordered referred to Youth and Parks and Recreation Sub-Committee.

16-257 24. Motion presented by Councillor Guinasso as amended: That the Mayor request the Police Department to arrest individuals who are seen stealing shopping carts from various businesses around the City. This is in response to a work order that was submitted to pick up five shopping carts that were dumped at the corner of American Legion Highway and Revere Street.

Further, that the Police Department be requested to enforce the Ordinance that is in place relative to shopping carts.

Motion was Ordered as amended.

16-258 25. Motion presented by Councillor Zambuto: That the City Council form a Charter Review Committee to include members of the Mayor's Office, City Solicitor, City Clerk, members of the ZBA, Planning

Board and City Council to meet, review, and amend the city charter as deemed necessary by MGL.

Ordered referred to Legislative Affairs Committee.

16-086 26. Motion presented by Councillor Novoselsky: That the DPW Committee Chairman Councillor Morabito report from committee the following motion: That the Mayor take immediate steps to privately contract out services to provide various signage for the City.

Ordered referred to DPW Committee.

16-259 27. Motion presented by Councillor Novoselsky: That the following ordinance amendment be ordered to a public hearing:

Be It Ordained by the City Council of the City of Revere as follows:

That Section 12.04.080(A) Street and Sidewalk Openings of the Revere Revised Ordinances is hereby amended by inserting the following new subsection:

“12.04.080(A)(5) The Superintendent of Public Works shall not issue any street or sidewalk opening permits to any permitted or excavator within five (5) years of the final approval of any newly paved street or sidewalk by the Superintendent of Public Works and the City Planner unless the reason for doing so is a justified emergency. A justifiable emergency shall be defined as Gas leaks, water breaks, water leaks, sewer breaks or sewer blockages. New installations for gas, water lines, sewer lines or connections shall not be permitted during this moratorium.”

Ordered referred to a Public Hearing, and further, that a copy be sent to the City Solicitor for his input.

16-260 28. Motion presented by Councillor Rotondo: That the City Council adopt an ordinance to regulate the use and registration of drones within the city of Revere. Further, that the City Solicitor be requested to assist with the review, modification, and draft of said ordinance.

That the City of Revere revise the Revere Revised Ordinances to impose community-based safety requirements on the operation of model aircraft of

all categories and to impose restrictions consistent with certain Federal Aviation Rules and regulation on the operation of both Model Aircraft and Civil Unmanned Aircraft Systems (UASs), commonly known as drones.

WHEREAS, the operation of Unmanned Aircraft such as Model Aircraft and Civil UASs can at times pose a hazard to full-scale aircraft in flight and to persons and property on the ground; and WHEREAS, imposing community-based safety requirements on the operation of Model Aircraft and imposing restrictions on the operation of both Model Aircraft and Civil UASs consistent with Federal Aviation Rules is necessary to mitigate such risks and to protect the public from the hazards associated with the operation of Unmanned Aircraft as well as the issues of privacy that can be infringed upon by the use of UASs.

Therefore, it is the intent of the Revere City Council to enact the following ordinance.

UNMANNED AIRCRAFT SYSTEMS. For purposes of this section: Unmanned Aircraft” shall mean an aircraft, including, but not limited to, an aircraft commonly known as a drone, that is operated without the possibility of direct human intervention from within or on the aircraft.

1. Unmanned Aircraft System” shall mean an Unmanned Aircraft and associated elements, including, but not limited to, any communication links and components that control the Unmanned Aircraft.
2. Person” shall have the same meaning as set forth in Massachusetts General Laws.
3. Model Aircraft” shall mean an Unmanned Aircraft or Unmanned Aircraft System operated by any Person strictly for hobby or recreational purposes.
4. Civil UAS” shall mean an Unmanned Aircraft or Unmanned Aircraft System operated by any Person for any purposes other than strictly
5. Hobby or recreational purposes, including, but not limited to, commercial purposes or in furtherance of, or incidental to, any business or media service or agency. Public UAS” shall mean an Unmanned Aircraft or Unmanned Aircraft System operated by any public agency for government related purposes.
6. (A) the following shall apply to the operation of any Model Aircraft within the City of Revere: in a manner that interferes with manned aircraft, and shall always give way to any manned aircraft.

(B) No Person shall operate any Model Aircraft within the City of Revere beyond the natural vision or visual line of sight of the person operating the Model Aircraft. The operator must use his or her own natural vision (which includes vision corrected by standard eyeglasses or contact lenses) to observe the Model Aircraft. People other than the operator may not be used in lieu of the operator for maintaining visual line of sight.

Visual line of sight means that the operator has an unobstructed view of the Model Aircraft. The use of vision-enhancing devices, such as binoculars, night vision goggles, powered vision magnifying devices, and goggles or other devices designed to provide a “first-person view” from the model, do not constitute the visual line of sight of the person operating the Model Aircraft.

(C) No Person shall operate any Model Aircraft within the City of Revere other than during daylight hours defined as between official sunrise and official sunset for local time by Massachusetts General Law.

(D) No Person shall operate any Model Aircraft within the City of Revere more than 400 feet above the earth’s surface or for which is exclude by FAA regulation.

(E)All takeoff and landing shall be at ground level only within the City of Revere; a UAS cannot come closer than 25 feet to any individual, except the operator or the operator’s helper(s).

(F) Any person wishing to fly a Model Aircraft and Civil Unmanned Aircraft Systems (UASs), commonly known as drones. Shall register said drone with the City of Revere in which call letter will be assigned to identify said to drone.

(G) The following shall apply to the operation of any Model Aircraft or Civil UAS within the City of Revere: No Person shall operate any Model Aircraft or Civil UAS within the City of Revere in a manner that is prohibited by any federal statute or regulation governing aeronautics. No Person shall operate any Model Aircraft or Civil UAS within the City of Revere in violation of any temporary flight restriction (TFR) or notice to airmen (NOTAM) issued by the Federal Aviation Administration. No Person shall operate any Model Aircraft or Civil UAS within the City of Revere in a careless or reckless manner so as to endanger the life or property of another. The standard for what constitutes careless and reckless operation under this section shall be the same as the standard set forth in any federal statutes or regulations governing aeronautics including but not limited to Federal Aviation Rule 91.13. 3. It shall be unlawful for any Person to violate or fail to comply with this section. Further it is the responsibility of operator to be informed of all TFR. Any Person violating the provisions of this section shall be fined \$200 on their first offense and \$300 for any other offenses thereafter. This section shall not apply to any Public UAS operated pursuant to, and in compliance with, the terms and conditions of any current and enforceable authorization granted by the Federal Aviation Administration.

Ordered referred to Legislative Affairs, and City Solicitor for input.

16-261 29. Motion presented by Councillor Rotondo: That the Mayor request the City Solicitor to request the plan in full detail how the company awarded the HVAC bid for the Garfield School will be "Self Testing Huntington Controls", if the "self testing" is compliant with Huntington and industry standard regarding control testing of HVAC systems. Further, that the company be requested to appear before the City Council to explain how they plan on testing.

Motion was tabled.

16-262 30. Ordered on a Motion presented by Councillor Rotondo: That the Mayor request the Fire Chief to appear before the City Council to discuss the issue of overdoses and addiction in the City. Likewise, that the Chief provide the City Council with the number of medical runs over the last two years. Further that the issue of ALS be discussed.

16-263 31. Motion presented by Councillor Rotondo: That Mayor request the State Auditor to conduct an audit of all work conducted by CDM regarding the new water meter program and all repairs related to the City's water and sewer system as mandated by the EPA.

Addressing the Council was Mr. Marks

Ordered referred to Ways and Means.

16-264 32. Ordered on a Motion presented by Councillor Haas as amended: That the Mayor be requested to take immediate action on the following issues at the Senior Center. 1.) Repair or replace the three metal doors and add railings at the building. 2.) Replace or repair the façade at the front of the building, the cracked bricks are a potential safety hazard. 3.) Check and determine the cause of the flooding in the Senior Center basement. Please examine the feasibility of using free cash to cover the cost of these expenditures.

16-265 33. Ordered on a Motion presented by Councillor Haas: That the Mayor request the DPW to install ballads or a jersey barrier at the end of Janvrin Avenue so that vehicles will be obstructed from entering the walkway towards the soccer field.

16-266 34. Ordered on a Motion of Councillor McKenna: That the Mayor request the DCR to install a spotlight on Pole #136 on Leverett Avenue aimed at Zelandi Park. This is a matter of public safety as there have been several reports of drinking and loitering in the late evening and early morning hours.

Ordered that several late motions be admitted for consideration.

16-268 35. Motion presented by Councillor Rotondo: That the City Council request that the City of Revere withdraw all claims asserted in, and dismiss with prejudice, the current action pending in Suffolk Superior Court against defendants Eugene McCain, William Settipane, and Richard Settipane, Civil Action Number 16-2493C.

Motion tabled, until next meeting.

16-269 36. Ordered on a Motion presented by Councillor Powers: That the Mayor direct the DPW to re-install two sidewalk panels at the following locations: 37 Witherbee Avenue and Bateman Avenue next to the house located at 221 Rice Avenue. These panels have been missing for over one year, also repair sidewalks at 104 Hichborn Street and #170 Campbell Avenue. (concrete)

Ordered on a Motion of Councillor Zambuto: That the City Council now stands adjourned to meet on Monday September 26, 2016 at 6:00 P.M.

Ordered adjourned at 9:32 P.M.

Attest:

City Clerk