

**City Councillor
Joseph A. DelGrosso
City Council Chamber
Journal
November 28, 2016**

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

President Giannino presiding.

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

3. Roll Call: Councillors Guinasso, Haas, Keefe, McKenna, Morabito, Novoselsky, Patch, Powers, Rotondo and President Giannino present. Councillor Zambuto was seated at 6:02 P.M.

16-315 4. A Certificate of Appreciation will be awarded to Thomas Misci on the occasion of his retirement after serving as an educator in the Revere Public School System for over forty years.

Ordered received and placed on file.

16-307 5. A Certificate of Appreciation will be awarded to the Commodore and Officers of the Point of Pines Yacht Club for their offer of a Assistance to the City of Revere by opening the club to residents during the recent gas outage that affected the area.

Ordered received and placed on file.

16-316 6. A Representative from Wheelabrator will appear before the City Council to discuss the loud noise coming from the Wheelabrator facility a few weeks ago.

Subject matter tabled, meeting to be rescheduled for December 5th.

Public Hearings

C-16-10

16-329 7. Hearing called as ordered on the application of Eastern Bank, 195 Market Street, Lynn, MA 01901 seeking permission from the Revere City Council to alter the use of a pre-existing nonconforming structure from a retail service to a bank with a drive thru ATM at Northgate Shopping Center, 339 Squire Road, Revere, MA 02151.

Proponents

Attorney James Cipoletta, 385 Broadway, Revere, Ma.

Opponents

None

Hearing held, subject matter referred to the Zoning Subcommittee.

16-330 8. Application of Brianna Mann of Mann's Garden Center LLC, 15 Citation Ave., Stoneham, MA requesting a Transient Vendors License to be used at 257 Washington Ave., Revere, MA for the purpose of selling holiday decorations: trees, wreaths, kissing balls, etc.

Addressing the Council at this time were the following:

**Brianna Mann
Jane Mann**

Motion presented by Councillor Keefe as amended by Councillor Novoselsky: That the application of Brianna Mann for a Transient Vendors License at the property located at #257 Washington Avenue, be granted subject to the applicant obtaining the proper permits from the Building Inspector and Fire Department and that this property be kept clean and free of debris.

Further, that the petitioner be requested to obtain Liability Insurance and a surety bond in the amount of \$10,000.00.

Motion to Grant was declared LOST on a Roll Call: Councillors Keefe and Morabito voting "YES". Councillors Guinasso, Haas, McKenna, Novoselsky, Patch, Powers, Rotondo, Zambuto voting "NO". Councillor Giannino voting Present.

Committee Reports

9. Report of the Committee of the Whole

Minority Report is now before the Council

16-303A Re: Motion relative to the Mayor appointing a Human Rights Commission in accordance with Chapter 9.28 of the City of Revere.

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

Motion offered by Councillor Zambuto: That the City Council move to repeal Chapter 9.28 of the Revised Ordinances of the City of Revere.

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

Report of the Economic Development Sub-Committee

16-062 10. Motion of Councillor Rotondo relative to a 6 month construction moratorium of residential buildings 4 units or larger along the MBTA Blue Line in Revere.

Ordered received and placed on file.

16-155 11. Motion of Councillor Rotondo relative to an economic and zoning master plan.

Ordered received and placed on file.

16-156 12. Motion of Councillor Rotondo relative to designating Revere as an Economic Development and Industrial Corp as permitted under MGL c. 121C.

Ordered received and placed on file.

16-243 13. Comm. from Eugene McCain relative to an initiative petition adopting a Category 2 Gaming license.

Ordered received and placed on file.

Communications

16-335 14. Comm. from the Board of Assessors requesting a public hearing for the purpose of establishing the Minimum Residential Factor for FY2017.

In accordance with the provisions of Section 56, Chapter 40 of the Massachusetts General Laws, the Board of Assessors request that your Honorable City Council conduct a public hearing for the purpose of establishing the Minimum Residential Factor, so that the Board of Assessors may proceed with the establishment of the tax rate for the Fiscal Year 2017.

Ordered to a public hearing.

16-297 15. Comm. from the Mayor:

The City will make an assessment of repairs needed at the Alden Mills Fire Station, but cannot commit specific funds to the repair or operation of that station at this time.

Subject matter placed on file.

16-331 16. Comm. from the Mayor:

Given the new provisions of the public records law that will take effect January 1, 2017, and the anticipation of an increase in public records requests as a result of the changes to the law, in addition to our current public records requests, I am writing to ask that the City Council approve the creation of a public records revolving fund account as soon as possible. The account will be utilized to accept payment for the City's cost to process public records requests and to refund any amount deposited in excess of the funds

used to comply with the public records request. Therefore, I anticipate that the fund will generally carry a “zero” balance.

Thank you for your attention to this matter.

Motion presented by Councillor Powers: That the City Council approve the creation of a public records Revolving Fund Account for Public Records Research.

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

16-332 17. Comm. from the Mayor:

**Re: Illicit Connection and Sump Pump Removal Program-
MassDEP CWSRF Funding – Loan Consolidation**

I am writing to request a public hearing for a revised loan order for borrowing under the Massachusetts Department of Environmental Protection’s (Mass DEP’s) Calendar Year 2016 (CY-2016) Clean Water State Revolving Fund (CWSRF). The CWSRF was established to provide a low cost funding mechanism to assist municipalities in complying with federal and state water quality requirements.

The intent of the revised Loan Order is to consolidate two existing Loan Order is to consolidate two existing Loan Orders that have been previously approved by the Revere City Council into one Loan Order for the combined value. Combining the Loan Orders will simplify administrative requirements/costs and will enable the City to continue the progress being made as part of the ongoing inflow removal program. The two existing Loan Orders to be consolidated include:

CWSRF Construction Project No. 3959 - \$2,900,000 for the Illicit Connection and Sump Pump Removal Program. (Previously approved by the Revere City Council on June 22, 2015 – City Council Order: 15-134D).

CWSRF Construction Project No. 4052 - \$3,600,000 for the Illicit Connection & Sump Pump Removal Program. (Previously approved by the Revere City Council on June 22, 2015 – City Council Order No. 16-152A).

The Revised total for this combined Loan Order is \$6,500,000.

Combination of these Loan Orders has been recommended by Mass DEP. The City continues to work with MassDEP to expedite all construction projects using previously approved funding first. The City is currently preparing four construction projects for the 2017 construction season utilizing the Mass DEP CWSRF funding to pay for the proposed work.

The projects are intended to remove and redirect sources of illicit connections to the sewer system and to extend the storm water drainage system as necessary to remove illicit connections to the sewer system.

For the City to take advantage of this low interest loan program provided by the Mass.DEP, the City must complete two steps: First – approve a Resolution expressly authorizing the Mayor to file all applications and execute documents necessary for the revised loan; and second – approve the Loan Order for the combined balance of the project. I have attached a copy of the required Resolution and Loan Order.

The funding for the debt service related to these Loan Orders will continue to be from the City's Water and Sewer Enterprise Fund. The construction work proposed with this new fund, as well as similar work necessary in future years, as required commitments of the City's Consent Decree with the U. S. Department of Justice, to remedy historic violations of the Federal Clean Water Act.

I ask that the City Council approve the Resolution and move this combined Loan Order to a public hearing at its earliest opportunity. Please do not hesitate to contact my office if you have any questions regarding this matter.

Ordered referred to a Public Hearing for December 19, 2016.

16-055 18. Comm. from the Mayor:

Regarding C.O. #16-055, I have asked Budget Analyst Assunta Guarino to create a final FY 2016 spending report categorized by each department. This will be provided to the council as a communication as soon as it is complete.

Ordered received and placed on file.

16-099 19. Comm. from the Mayor:

Regarding Council Order 16-099, as I have explained to the city Council previously, the scope, role and authority of all members of the Mayor's staff derive directly from and are at the discretion of the Mayor.

Ordered received and placed on file.

16-288 20. Comm. from the Mayor:

I am writing to provide you with my objections of Council Order No. 16-288, which requests that the City pave various streets located off of Broadsound Avenue. These streets that Councillor McKenna mentioned are not paper streets, but unaccepted public ways of the City of Revere. Due to the length and width of the streets, they will not be eligible to become accepted public ways of the City of Revere so any improvements to these streets cannot be completed using Ch. 90 monies. Therefore, this implication will be incredibly costly to the taxpayers.

Subject matter tabled.

16-298 21. Comm. from the Mayor:

Regarding C.O. 16-298, please clarify what you are referring to. Is this intended to be in reference to the Health Insurance Portability and Accountability Act of 1996 (HIPAA)?

The City of Revere's HIPAA-required Notice of Policy Practices is available to the public at the city's website, on the benefits Department's Page [http://www.revere.org/dics/benefits/hipaa/notice of privacy – Practices](http://www.revere.org/dics/benefits/hipaa/notice%20of%20privacy%20-%20Practices).

Ordered received and placed on file.

16-306 22. Comm. from the Mayor:

Regarding Council Order 16-306, I have requested that City Solicitor Paul Capizzi produce a report detailing the amount spent on Litigation in 2016. As soon as that report is completed, it will be submitted as a communication to the City Council.

In labor negotiations are ongoing and confidential, those details cannot be provided at this time.

Ordered received and placed on file.

Motions

16-320 23. Ordered on a Motion presented by Councillor McKenna: That the City Council award a Certificate of Appreciation to Bob Lospennato and Dave Colella for dedicating their time to run a highly successful Powder Puff football program at Revere High School for over 20 years.

16-321 24. Motion Presented by Councillor Rotondo: That the City of Revere denounce the prospect of a Muslim registry in the United States as proposed by President-Elect Trump as noted on several media outlets. Further, that if this absurd policy comes to fruition that we fight it together as a community.

Ordered placed on file.

16-322 25. Motion presented by Councillor Novoselsky: That the City Council Public Works Sub-Committee in cooperation with the Inspectional Services, DPW, EZ Disposal, the Mayor's Office and the Revere Beautification Committee begin immediate discussions to update Title 8 of the Revere Revised Ordinances - Health and Safety and any sections of the Revised Ordinances of the City of Revere dealing with the Revere Trash collection and storage to deal with the uncontrollable trash, type of trash barrels to be used, elimination of the so-called rodent-proof trash bags, rodents and any other issues that may come up during these discussions.

Ordered referred to Public Works Committee.

16-323 26. Ordered on a Motion presented by Councillor Powers: That the Mayor request the MBTA to look into the feasibility of providing bus service from Carey Circle along the Boulevard to Wonderland.

16-079 **27.** Motion presented by Councillors McKenna and Giannino: That the following proposed ordinance is being reported out of the Parks and Recreation Sub-Committee for the purpose of being ordered to a public hearing:

Title 9, Chapter 9.08 of The Revised Ordinances of the City of Revere is hereby amended by the following new sections:

Section 9.08.110 Promotion of Clean and Healthy Parks

Whereas, there is no known safe level of exposure to secondhand smoke, and secondhand smoke exposure in certain outdoor areas have been found to pose a significant health risk; and

Whereas, protecting Revere's public parks as places for residents and visitors to be outside and active is critical to promotion of a healthier city; and

Whereas, it is critical to prevent the use of drugs, alcohol and weapons in our areas of recreation; and

Whereas, it is the goal of the City of Revere, through the Parks and Recreation Department and the Revere Police Department, to ensure that our places of recreation are safe, clean and healthy for all residents, particularly our children;

Section 9.08.112 Smoking Prohibited in Public Parks

A. No person shall smoke in any public park, or other public place under the control of the City of Revere.

B. For the purposes of this subsection, the term smoking shall include inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, or other lighted or vaporized substance in any manner or form, including marijuana used for medical or recreational purposes.

Section 9.08.114 Alcohol and Controlled Substances Prohibited in Public Parks

A. No person shall sell, possess or consume any alcoholic beverage in any park, except under a license issued by the Revere License Commission subject to the provisions of M.G.L. Chapter 138, Sections 14 & 15F. Such license may include any conditions imposed by the License Commission and the discretionary judgment of the Revere Police Department in order to promote the preservation of public parks.

B. No person shall commit any of the following acts in a public park:

- 1.** Sell, distribute, make available or offer to provide a controlled substance or prescription drug to another;
- 2.** Package, possess or store a controlled substance;
- 3.** Transport a controlled substance or materials intended to be used in the packaging of a controlled substance;

4. Solicit another to provide, make available, sell or distribute a controlled substance or prescription drug to any person

5. With the intent to engage in any act prohibited by this Section, seek, meet, approach or encounter another.

C. Nothing in Sub-Section B of this Section shall prohibit the possession of medications prescribed to the person or to a person under that person's care, if and under such conditions as possession of such substance is otherwise lawful.

D. For purposes of this Section, "controlled substance" and "prescription drug" shall have the meaning as provided for in M.G.L. c. 94C § 1 (The Controlled Substances Act).

Section 9.08.116 Possession of Weapons

A. No person shall possess in any public park anything specifically designed for and presently capable of causing, or carried with the intent to threaten or cause, bodily harm to another. Items prohibited under this Section include, but are not limited to: any firearm, pellet gun, spring-loaded weapon, stun gun or taser, any knife having a blade that projects or swings into position by force of a spring or by centrifugal force, any knife with a blade longer than 2-½ inches, any dirk, dagger, ice-pick, sling shot, slungshot, metal knuckles, nunchaku, studded handcoverings, swords, straight razors, tear gas containers, saps, sap gloves, hatchets or axes. The prohibitions of this Section do not apply to individuals who are duly licensed under local, state, and/or federal guidelines to carry a firearm.

B. Any person to be in violation of this section shall be fined three-hundred (\$300.00) dollars per offense. Enforcement of this section shall be by noncriminal disposition as provided for in M.G.L. Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

Section 9.08.118 Public Park Hours and Designation

A. 6:00 am – 10:00 pm

B. All public parks shall be designated as "Alcohol, Drug, Tobacco, and Weapon Free Zones" and appropriate signage shall be installed at each park indicating such.

Ordered referred to a public hearing for December 19, 2016.

16-324 28. Ordered on a Motion presented by Councillor Powers: That the Mayor direct Inspectional Services Department to contact the owners of the commercial properties along North Shore Road from Shawmut Street to the traffic signal at Wonderland Dog Track to remove snow and ice in accordance with the provisions of Section 12.04.350 of the Revere Revised Ordinances. This motion is made in the interest of public safety. Properties to be notified include Wonderland Dog Track and Wonderland Convenience.

16-325 29. Ordered on a Motion presented by Councillor Powers: That the Mayor request the appropriate agency (DCR, MassDOT, or DPW) to make repairs to the catch basin on Oak Island Street. Its present condition constitutes a public safety hazard.

***Councillor Zambuto recused from voting.**

16-326 30. Motion presented by Councillor Keefe as amended by Councillor McKenna: That the Mayor request the Traffic Commission to review options on reducing the speed limit on the following streets to 20 MPH: Proctor Ave., Mountain Ave., Park Ave., and Fenno St., Campbell and Winthrop Avenue. Each of these streets is thickly settled and have become major cut through streets in the City.

16-327 31. Ordered on a Motion by Councillors McKenna, Novoselsky, and Powers as amended: That the Mayor contact MassDOT to review the pedestrian walking patterns at Bell Circle and create new crosswalks on VFW Parkway at Shirley Avenue, and at the traffic signal on American Legion Highway near the walking path. Students coming to and from Revere High School and the Rumney Marsh Academy are crossing in-between the heavy flow of traffic on American Legion Highway. There are no guidelines to lead them in a safe direction towards the Revere Beach and Shirley Avenue neighborhoods which is creating a very dangerous situation.

***Councillor Zambuto recused from voting.**

Copy of motion to be referred to Public Safety Committee.

16-328 32. Ordered on a Motion presented by Councillor Keefe: That the Mayor and City Solicitor be requested to evaluate the recently passed Question 4 (marijuana bill) and give guidance on best practice to opt out and/or overwhelmingly restrict in Revere.

Ordered on a Motion of Councillor Zambuto: That several lates be admitted for consideration.

16-333 33. Ordered on a Motion of Councillor Keefe: That the Mayor request senior representation from Comcast, Nationalgrid, and Verizon to appear before the City Council to explain delays in double pole list and responsiveness in regards to utility work requests done throughout the city.

Councillor Zambuto voting “No.”

16-334 34. Ordered on a Motion of Councillor Novoselsky: That the City Council issue a Certificate of Commendation to Nick Bua, Director of Veterans Affairs on the occasion of his retirement.

16-330 35. Communication from Benjamin DeChristoforo, Inspector of Buildings:

To offer some guidance please find attached the city ordinance 5.12.020 for Transient Vendors’ Licenses and 5.12.050 related to Christmas Tree and Similar Sales. Please make note to Section D in ordinance 5.12.050 which

states that “no person may sell flowers, flowering plants or items pertaining to the business of a florist in the City of Revere unless:

1. Such person possess a permanent occupancy permits for a building or structure as a florist in the City of Revere.

2. The holder of any permanent business occupancy who sells flowers or flowering plants only from inside said building.

The City Council also has the ability to impose conditions as it deems appropriate if such licenses are issued.

Ordered received and made part of.

Ordered on a Motion of Councillor Zambuto: That the City Council now stand adjourned to meet on Monday December 5, 2016.

Ordered adjourned at 8:27 P.M.

Attest:

City Clerk

Reconsideration filed by Councillor Zambuto on Monday November 28, 2016 at 8:29 P.M.

Honorable City Council
Revere City Hall
Revere, MA 02151

City Councillors:

I hereby file for Reconsideration taken upon Council Order 16-303, Human Rights Commission Motion at a meeting held on November 28, 2016.

(s) Respectfully submitted,
Anthony Zambuto
Revere City Council

Attest:

City Clerk