

**City Councillor Joseph A. DelGrosso  
City Council Chamber  
Journal  
October 15, 2012**

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

**President Penta presiding.**

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

**2. Roll Call: Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Novoselsky, Patch, Powers, Reardon, Zambuto and Penta voting “yes.”**

**3. The Journal of the meeting held on September 2012, was declared approved as presented.**

**4. A Certificate of Appreciation will be awarded to Cindy Tatelman for her devotion and service to assisting disabled individuals and veterans through her work on the Disability Commission.**

**Ordered received and placed on file.**

**Unfinished Business**

**Committee Reports**

**12-192 5. Report of the Legislative Affairs Sub-Committee**

**Proposed Ordinance is now before the Council:**

**Amendment offered by Councillor Arrigo: That the Ordinance be further amended as follows:**

- a. Sub-section J of Section 9.08.100 by inserting the words, “or adjacent to” after the word “in.”**

**Amendment was declared ORDERED on a Roll Call: Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Novoselsky, Patch, Powers, Reardon, Zambuto and Council President Penta voting “YES”.**

**Amendment offered by Councillor Arrigo:**

- b. A new sub-section K is added to Section 9.08.100 as follows:**
- i. K. Heliports: Operating or permitting the operation of a helicopter between the hours of nine p.m. and eight a.m. so as to be plainly audible from the lot line of the lot on which such activity is located, is a violation of this chapter.**

**Substitute Amendment offered by Councillor Reardon: That the ordinance be amended by adding a new chapter and section to allow heliports to operate between 9 P.M. and 8 A.M.**

**Substitute Amendment was declared Lost on a Roll**

**Call: Councillors Correggio, and Reardon voting “yes.” Councillors Arrigo, Giannino, Guinasso, Haas, Novoselsky, Patch, Powers, Zambuto and Penta voting “no.”**

**Original amendment offered by Councillor Arrigo is now before the Council:**

- c. A new sub-section K is added to Section 9.08.100 as follows:**
  - ii. K. Heliports: Operating or permitting the operation of a helicopter between the hours of nine p.m. and eight a.m. so as to be plainly audible from the lot line of the lot on which such activity is located, is a violation of this chapter.**

**Amendment was declared Ordered on a Roll**

**Call: Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Novoselsky, Patch, Powers, and Reardon voting “YES”. Councillors Zambuto and Council President Penta voting “NO”.**

**Original Ordinance as amended is now before the Council on a second reading:**

**Be it ordained by the City Council of the City of Revere as follows:**

- Section 1. “Section 9.08.050 - Noise disturbance generally.” is hereby deleted in its entirety.
- Section 2. “Section 9.08.060 - Radios, television sets, musical instruments.” is hereby deleted in its entirety.
- Section 3. “Section [9.08.070 - Loudspeakers and public address systems.](#)” is hereby deleted in its entirety.
- Section 4. “Section [9.08.080 - Crying out for street sales.](#)” is hereby deleted in its entirety.
- Section 5. “Section [9.08.090 - Noisy animals.\\*](#)” is hereby deleted in its entirety.
- Section 6. “Section [9.08.100 - Loading and unloading.](#)” is hereby deleted in its entirety.
- Section 7. “Section [9.08.110 - Construction, drilling or demolition.](#)” is hereby deleted in its entirety.
- Section 8. “Section [9.08.120 - Vehicle or boat repair or testing.](#)” is hereby deleted in its entirety.
- Section 9. “Section [9.08.130 - Powered model vehicles.](#)” is hereby deleted in its entirety.
- Section 10. “Section [9.08.140 - Motorboats.](#)” is hereby deleted in its entirety.
- Section 11. “Section [9.08.150 - Domestic power tools.](#)” is hereby deleted in its entirety.
- Section 12. “Section [9.08.160 - Refuse collection vehicles.](#)” is hereby deleted in its entirety.
- Section 13. “Section [9.08.170 - Horns and signaling devices.](#)” is hereby deleted in its entirety.
- Section 14. “Section [9.08.180 - Definition of "noise disturbance."](#) is hereby deleted in its entirety.
- Section 15. Title 9, Chapter 9.08, of the Revised Ordinances of the City of Revere is hereby amended by inserting new sections 9.08.050 through 9.08.100 as follows:

**9.08.050 - [Purpose](#) and Scope of Noise Control.**

**[9.08.060 - Definitions.](#)**

**[9.08.070 - Enforcement.](#)**

**[9.08.080 - General prohibition of noise disturbances.](#)**

**[9.08.090 - Measured noise disturbances.](#)**

**[9.08.100 - Non-measured noise disturbances.](#)**

## **9.08.050 – Purpose and Scope of Noise Control.**

**A. Purpose:** Whereas excessive sound and vibration are a serious hazard to the public health and welfare, safety, and the quality of life; and whereas the people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the City of Revere to prevent excessive sound and vibration which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

**B. Scope:** The following sections shall apply to the control of all sound and vibration originating within the limits of the City of Revere, unless otherwise exempted by law.

## **9.08.060 - Definitions.**

1. "Authorized enforcement personnel" means the Revere Police Department and the Department of Inspectional Services.
2. "Construction" means any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.
3. "Daytime" means the period between the hours of seven a.m. and six p.m. daily except Sunday and holidays according to the time system locally in effect.
4. "dB" means the abbreviation for decibel.
5. "dB(A)" means the A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of Specifications for Sound Level Meters (S1. 4 1971), American National Standards Institute (ANSI), properly calibrated, and operated on the "A" weighting network.
6. "Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
7. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
8. "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
9. "Hz" means the abbreviation for Hertz, which means cycles per second.
10. "Impact device" means a construction device in which or by which a hammer, meaning a moving mass of hard solid material, is mechanically by means of a working fluid or compressed air caused to repetitively impact upon and transmit kinetic energy to a tool. The tool may be included as a part of the device, as in the case of a moil on a paving breaker or the drill steel of a jackhammer, or it may be a mass to which the impact device is temporarily connected as in the case of a pile and pile driver. Examples of impact devices are pile drivers, paving breakers and power impact hammers, impact wrenches, riveters and stud drivers.
11. "Lot line" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
12. "Motor vehicles" means any vehicle so defined in G.L., c. 90, § 1.
13. "Motorcycle" means any vehicle so defined in G.L., c. 90, § 1.
14. "Noise disturbance" means any sound which (a) causes temporary or permanent hearing loss in persons exposed; or (b) is injurious to the public health; (c) causes a nuisance which is prohibited by law; or (d) is defined as a noise disturbance pursuant to the provisions of this chapter.
15. "Person" means any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

16. "Public right-of-way" means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by the City.
17. "Public space" means any real property or structures thereon which are owned or controlled by the City.
18. "Sound pressure level" is numerically equal to twenty times the logarithm (to the base ten) of the sound pressure to the reference sound pressure (the reference sound pressure shall equal twenty micropascals). Unless otherwise stated, the level is understood to be that of a root mean-square pressure.
19. "Weekday" means any day Monday through Friday which is not a legal holiday.

#### **9.08.070 - Enforcement.**

**A. Authorized Enforcement Personnel:** The Revere Police Department and the Department of Inspectional Services shall be the authorized enforcement personnel charged with the enforcement of these provisions.

**B. Violations:** Authorized enforcement personnel may order and specify reasonable remedial actions to be taken by a violator of this chapter to achieve compliance; or issue citations, pursuant to G.L., c. 40, § 21D, for violations of these provisions assessing fines of three hundred (\$300.00) dollars for each day such violation is committed or permitted to continue. Additionally, any person found in violation of any of the provisions of this chapter may be prosecuted for a misdemeanor and upon conviction thereof shall be fined three hundred (\$300.00) dollars.

**C. Injunction:** As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter and which causes a noise disturbance may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

**D. Suspension or Revocation of License or Permit:** As an additional remedy for violation of any provision of this chapter, any enforcement official under subsection A of this section may summarily suspend, and after a hearing may revoke, any license or permit, including a building or demolition permit.

#### **9.08.080 - General prohibition of noise disturbances.**

No person or persons owning, leasing or controlling the operation of any source or sources of noise shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the establishment or continuation of a condition of noise disturbance.

#### **9.08.090 - Measured noise disturbances.**

**A.** This section shall apply to the use or occupancy of any lot or structure thereon and to the noise produced thereby, but shall not apply to the following:

1. To the intermittent or occasional use, during the daytime, of light homeowner's residential outdoor equipment or commercial service equipment provided said equipment and its use complies with other provisions of this chapter;
2. To construction activities and the associated use of construction devices nor to the noise produced thereby, provided such activities, and such equipment and its use, comply with provisions of this chapter.
3. To bell towers or clock towers with bells or chimes.

**B.** No person shall create or cause to be emitted from or by any source subject to the provisions of this chapter, any noise which causes or results in a noise level exceeding the noise standards as described in Table 9.08.090 of this section, measured at any lot line of any lot located in any zoning district as defined by the Revised Ordinances of the City of Revere.

**C. Area Noise Standards.** Noise standards referred to in this chapter for the several zoning districts of the City, are hereby defined in and established pursuant to Table 9.08.090 of this section as follows:

**TABLE 9.08.090**

**TABLE OF ZONING DISTRICT NOISE STANDARDS**

**Maximum Allowable Octave Band Sound Pressure Levels**

Octave Center Frequency Measurement (Hz)	Band	RA, RA1, RB, RB1, RC, RC1, RC2, RC3		PDD1, PDD2		NB, GB, GB1, CB, HB	TED, LI, IP
		Daytime	Other Times	Daytime	Other Times		
31.5		76	68	79	72	79	83
63		75	67	78	71	78	82
125		69	61	73	65	73	77
250		62	52	68	57	68	73
500		56	46	62	51	62	67
1,000		50	40	56	45	56	61
2,000		45	33	51	39	51	57
4,000		40	28	47	34	47	53
8,000		38	26	44	32	44	50
Single Equivalent (dB(A))	Number	60	50	65	55	65	70

**9.08.100 - Non-measured noise disturbances.**

**A. Noise Disturbances Prohibited:** The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive. Non-commercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section. Bell towers and clock towers with bells or chimes shall be exempt from the operation of this section.

**B. Horns, Signaling Devices, Etc.** The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except the one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

**C. Radios, Phonographs, Etc.** The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker or public address systems, unless used by the City of Revere, or other machine or device for the producing or reproducing of sound in such a manner as to be plainly audible from the building, structure, vehicle or dwelling unit as to which the sound is originating from shall be a violation of this chapter.

**D. Street Sales.** Offering for sale or selling anything by shouting or outcry within any residential or commercial area of the City, except by permit issued by the chief of police according to criteria set forth by the chief and/or except between the hours of nine p.m. and eight a.m., and the causing thereof, is a violation of this chapter.

**E. Animals, Birds. Etc.** Owning, possessing or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks or makes other sounds which are plainly audible from the lot line of the lot on which it is located, is a violation of this chapter. This provision shall not apply to licensed kennels.

**F. Loading and Unloading.** Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of nine p.m. and eight a.m. the following day on weekdays, or between the hours of nine p.m. and nine a.m. the following day when the following day is a Saturday, Sunday or holiday in such a manner as to be plainly audible from the lot line of the lot on which such activity is located, is a violation of this chapter.

**G. Construction, Drilling, or Demolition:** Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work between the hours of nine p.m. and

eight a.m. the following day on weekdays or at a time on a Saturday, Sunday or holiday in such a manner as to be plainly audible from the lot line of the lot on which such activity is located, except for emergency work of public service utilities or by special permit issued by the inspector of buildings, and the causing thereof, is a violation of this chapter. Subsection F shall not apply to the use of domestic power tools as provided for in subsection L of this section.

**H. Vehicle or Motorboat Repairs and Testing.** Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to be plainly audible as to be plainly audible from the lot line of the lot on which such activity is located, is a violation of this chapter.

**I. Places of Public Entertainment.** Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound in any place of public entertainment in such a manner as to be plainly audible from the lot line of the lot on which such activity is located, is a violation of this chapter.

**J. Vibration.** Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at twenty-five (25) feet from the source if on a public space or public right-of-way, is a violation of this chapter. For the purposes of this section, "vibration perception threshold" means the minimum ground or structure borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

**K. Domestic Power Tools.** Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower, or similar device used outdoors in or residential areas between the hours of nine p.m. and eight a.m. so as to be plainly audible from the lot line of the lot on which such activity is located, is a violation of this chapter.

**L. Refuse Collection Vehicles:** The following acts, and the causing thereof, are violations of this chapter: 1.) Operating or permitting the operation of the compacting mechanism of any motor vehicle which compacts refuse, between the hours of nine p.m. and eight a.m. the following day in or adjacent to a residential area; 2.) Collecting refuse with a refuse collection vehicle between the hours of nine p.m. and eight a.m. the following day in a residential or commercial area. This section does not apply to municipal trash collection.

**M. Heliports:** Operating or permitting the operation of a helicopter between the hours of nine p.m. and eight a.m. so as to be plainly audible from the lot line of the lot on which such activity is located, is a violation of this chapter.

Section 16. The ordinance amendments shall take effect upon passage.

**Amended Ordinance was Ordered on a second reading on a Roll Call: Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Novoselsky, Patch, Powers, Reardon, Zambuto and Penta voting "yes."**

**Amended Ordinance was Ordered to a third and final reading.**

**Amended Ordinance was Ordered Engrossed and Ordained on a Roll Call: Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Novoselsky, Patch, Powers, Reardon, Zambuto and Penta voting "yes."**

**12-225 6. Re: Proposed Ordinance amendment to the Rodent Control Ordinance.**

**Subject matter was Ordered to a second reading.**

**Amendment offered by the Committe:**

- a. Subsection B of Section 8.04.080, is amended by changing the effective date of the sub-section from January 1, 2013, to April 1, 2013.**

**Amendment was Ordered on a Roll Call: Councillors Arrigo,**

**Correggio, Giannino, Guinasso, Haas, Novoselsky, Patch, Powers, Reardon, Zambuto and Penta voting “yes.”**

- b. Sub-section A of Section 8.04.080 is amended by inserting the words, “Baiting shall take place 10 days before the start of and 10 days after the completion of, or at the discretion of the health agent any construction in accordance with this section.”**

**Amendment was ordered on a Roll Call: Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Novoselsky, Patch, Powers, Reardon, Zambuto and Penta voting “yes.”**

- c. Sub-section A of Section 8.04.080 is amended by inserting a new sub-section A as follows:**

- i. No building permit shall be issued for any renovation of a building that has been vacant for three or more months is in accordance with Sub-section A of this section.**

- d. Sub-section A. of Section 8.04.080 is amended by adding the following the following new sentence after the words “health agent”: “The Department of Public Works shall be responsible for enforcing baiting procedures relative to street opening permits.”**

**Amendment was ordered on a Roll Call: Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Novoselsky, Patch, Powers, Reardon, Zambuto and Penta voting “yes.”**

**Proposed Ordinance as amended was Ordered on a second reading.**

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

**Section 1. Title 8, Chapter 8.04 of the Revised Ordinances of the City of Revere is hereby amended by inserting a new section 8.04.080 as follows:**

**8.04.080 – Rodent Control**

- A. No permit shall be issued for any street opening work, and no building permit shall issue for any new construction, or for any work in which the displacement of earth requires a building permit, until the applicant provides evidence that the construction site area, including buildings or premises thereon, have been treated for, or are free from, insect and rodents in accordance with State Sanitary Code, 105 CMR, Section 410.550; except at the discretion of the health agent. The Department of Public Works shall be responsible for enforcing baiting procedures relative to street opening permits. The applicant shall be held responsible for corrective measure should his/her digging, construction, renovations, or conversions, cause, disturb, or create any infestation to immediate abutters or surrounding properties. Baiting shall take place 10 days before the start of, and 10 days after the completion of, or at the discretion of the health agent any construction in accordance with this section. Failure to comply with this provision may subject the applicant to fines of up to three hundred (\$300.00) dollars per day, per violation.**

- i. No building permit shall be issued for any renovation of a building that has been vacant for three or more months in accordance with sub-section A of this section.**

- B. All dumpsters shall be permitted through a \$50 annual fee through the Department of Inspectional Services. Any persons or entity that stores refuse in such containers shall be required**

to clean and disinfect said containers three times a year on April 30th, July 30th, and October 30th. The owner of the business must submit a maintenance plan, provided to said owner by the City, for said dumpsters to the Health Department with said permit. Business owners must also keep maintenance records on hand for inspectors to review. Failure to do so will be punishable by a fifty (\$50.00) dollar fine, per day, per container. All such fees will go into a separate account to be used for rodent control measures. Dumpsters that are not in compliance could result in closure of the business. This sub-section shall take effect on April 1, 2013.

1. Maintenance shall involve the following tasks:
  - i. Cleaning and disinfecting per maintenance schedule stated above.
  - ii. Covers and gates shall operate properly if applicable.
  - iii. Baiting around the perimeter of dumpster as needed.

C. Any agreement made between the City of Revere and any contractor shall be amended to include provisions for baiting 10 days before the start of, and 10 days after the completion of, or at the discretion of the health agent, any construction, renovation, development, or conversion projects, including, but not limited to, public works projects. Failure to do so will be punishable by a fine of two hundred fifty (\$250.00) per day, per contractor.

D. All fines and penalties associated with this section shall be subject to the provisions set forth in Chapters [1.12](#) and [1.16](#) of the Revised Ordinances of the City of Revere.

Section 2. Table 1 – Fee Schedule of the Revised Ordinances of the City of Revere is hereby amended by adding the following new fee:

Dumpster Permit, the fee for a dumpster permit issued by the Department of Inspectional Services in accordance with the provisions of Section 8.04.080 of the Revised Ordinances of the City of Revere shall be fifty (\$50.00) dollars.

**Proposed Ordinance as amended was Ordered to a third and final reading.**

**Ordered Engrossed and Ordained on a Roll Call:  
Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Novoselsky, Patch,  
Powers, Reardon, Zambuto and Penta voting “yes.”**

**12-250A,B,C,D**

**12-250**

**12-198 7. The appointment subcommittee recommends confirmation of the following appointees submitted by the Mayor:**

**For re-appointment to the Commission on Disability, for a new three year term, expiring December 1, 2015, Ms. Rhena Shalachman.**

**For re-appointment to the Revere Cultural Council, for new three year terms, expiring March 1, 2015, Mr. Michael A. Bonanno, Ms. Laurie Giardella, and Mr. Paul Argenzio.**

**For re-appointment to the Board of Elder Affairs, for new three year terms, expiring March 2015, Mr. Amedeo Iocco.**

**For appointment to the Conservation Commission to fill the term of Michael Furlong, expiring on October 30, 2013, Mr. James Cerbone.**

**For reappointment to the Board of Elder Affairs, for a new three year term, expiring March 2015, Mr. Nicholas Giacobbee.**

**For appointment to the Board of Elder Affairs, for a three year term expiring March 2015, Ms. Irma Accettullo.**

**For appointment to the Revere Residency Monitoring Committee effective October 1st for a three year term, expiring October 2015, Mr. John Colleran.**

**For appointment to the Revere Housing Authority as Commissioner, Mr. George Anzuoni.**

**For appointment as a licensed drainlayer for the City of Revere, Mr. Rob Celiberti, CRL, Inc.**

**For reappointment as a licensed drainlayer for the City of Revere, Mr. Dennis Lawhorne, E. B. Rotondi and Sons, Inc.**

**The Appointments were confirmed on a roll call:  
Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Novoselsky, Patch,  
Powers, Reardon, Zambuto and Penta voting “yes.”**

Communications

**Pt.12-066            8.     Comm. from Staci Rubin, Staff Attorney:**

Thank you for your opposition to Global Partners' proposal to transport ethanol via rail. Following is a letter ACE sent to Secretary Davey at the Ma. Dept. of Transportation that discusses recommendations for what the study should consider. We urge you to share your expertise about the impacts and concerns of transporting ethanol by rail with the Massachusetts Dept. of Transportation.

**\*A copy of the attachment has been received and made part of the official documents of the Revere City Council.**

**Ordered received and made part of 12-066.**

**12-267**

**9.     Comm. from the City Clerk relative to the submission of the Warrant calling the State Primary Election to be held in the City of Revere on Tuesday, November 6, 2012.**

**COMMONWEALTH OF MASSACHUSETTS  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH**

**WARRANT FOR THE 2012 STATE ELECTION**

**SS.**

**TO THE CITY CLERK OF THE CITY OF REVERE**

**GREETING:**

**In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the City of Revere who are qualified to vote in State Elections to vote at**

**WARD 1 PRECINCT 1 – V.F.W. POST #6712, 150 BENNINGTON STREET**

**WARD 1 PRECINCT 2 – ALFRED C. LISTON TOWERS, 45 DOLPHIN AVE.**

**WARD 1 PRECINCT 3 – REVERE YOUTH CENTER, 150 BEACH STREET**

**WARD 2 PRECINCT 1 – GARFIELD MAGNET SCHOOL, MUSIC ROOM, 144 GARFIELD AVE.,**

**WARD 2 PRECINCT 2 – CARL HYMAN TOWERS, 50 WALNUT AVE.**

**WARD 2 PRECINCT 3 – CARL HYMAN TOWERS, 50 WALNUT AVE.**

**WARD 2 PRECINCT 3A – GARFIELD MAGNET SCHOOL, MUSIC ROOM, 144 GARFIELD AVE.,**

**WARD 3 PRECINCT 1 – ABRAHAM LINCOLN SCHOOL, MALDEN STREET ENTRANCE, DOOR B**

**WARD 3 PRECINCT 2 – ABRAHAM LINCOLN SCHOOL, MALDEN STREET ENTRANCE, DOOR A**

**WARD 3 PRECINCT 3 – ST. ANTHONY'S CHURCH, 250 REVERE STREET, REAR ENTRANCE**

**WARD 4 PRECINCT 1 – AMERICAN LEGION BLDG, .249 BROADWAY, FRONT ENTRANCE**

**WARD 4 PRECINCT 2 – CENTRAL FIRE STATION, 400 BROADWAY**

**WARD 4 PRECINCT 3 – LIGHTHOUSE NURSING CARE CENTER, 204 PROCTOR AVE.**

**WARD 5 PRECINCT 1 – POINT OF PINES FIRE STATION, 140 LYNNWAY**

**WARD 5 PRECINCT 1A – JACK SATTER HOUSE, 420 REVERE BEACH BOULEVARD**

WARD 5 PRECINCT 2 – JACK SATTER HOUSE, 420 REVERE BEACH BOULEVARD

WARD 5 PRECINCT 2A – FREEMAN STREET FIRE STATION, 2 FREEMAN STREET

WARD 5 PRECINCT 3 – REVERE HIGH SCHOOL, 101 SCHOOL STREET

WARD 6 PRECINCT 1 – SUSAN B. ANTHONY/A.C. WHELAN SCHOOL, 107 NEWHALL STREET, CAFETERIA

WARD 6 PRECINCT 2 – SUSAN B. ANTHONY/A.C. WHELAN SCHOOL, 107 NEWHALL STREET, CAFETERIA

WARD 6 PRECINCT 3 – NORTH REVERE FIRE STATION, ENGINE #3, 3 OVERLOOK RIDGE DRIVE

On TUESDAY, THE SIXTH DAY OF NOVEMBER, 2012 from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

ELECTORS OF PRESIDENT AND VICE PRESIDENT. . . . .FOR THIS COMMONWEALTH

SENATOR IN CONGRESS . . . . . FOR THIS COMMONWEALTH

REPRESENTATIVE IN CONGRESS. . . . . FIFTH DISTRICT

COUNCILLOR . . . . . SIXTH DISTRICT

SENATOR IN GENERAL COURT. . . . . FIRST SUFFOLK AND MIDDLESEX DISTRICT

REPRESENTATIVE IN GENERAL COURT. . . . .SIXTEENTH SUFFOLK DISTRICT

REPRESENTATIVE IN GENERAL COURT . . . . .NINETEENTH SUFFOLK DISTRICT

CLERK OF COURTS. . . . . SUFFOLK COUNTY

REGISTER OF DEEDS. . . . . SUFFOLK COUNTY

REGIONAL SCHOOL COMMITTEE . . . . . NORTHEAST METROPOLITAN

REGISTER OF PROBATE (SUFFOLK COUNTY ONLY)... .SUFFOLK COUNTY

**QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

**SUMMARY**

This proposed law would prohibit any motor vehicle manufacturer, starting with model year 2015, from selling or leasing, either directly or through a dealer, a new motor vehicle without allowing the owner to have access to the same diagnostic and repair information made available to the manufacturer’s dealers and in-state authorized repair facilities.

The manufacturer would have to allow the owner, or the owner’s designated in-state independent repair facility (one not affiliated with a manufacturer or its authorized dealers), to obtain diagnostic and repair information electronically, on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

The manufacturer would have to provide access to the information through a non-proprietary vehicle interface, using a standard applied in federal emissions-control regulations. Such information would have to include the same content, and be in the same form and accessible in the same manner, as is provided to the manufacturer’s dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would require a manufacturer of motor vehicles sold in Massachusetts to make available for purchase, by vehicle owners and in-state independent repair facilities, the same diagnostic and repair information that

the manufacturer makes available through an electronic system to its dealers and in-state authorized repair facilities. Manufacturers would have to make such information available in the same form and manner, and to the same extent, as they do for dealers and authorized repair facilities. The information would be available for purchase on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would also require manufacturers to make available for purchase, by vehicle owners and in-state independent repair facilities, all diagnostic repair tools, incorporating the same diagnostic, repair and wireless capabilities as those available to dealers and authorized repair facilities. Such tools would have to be made available for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For all years covered by the proposed law, the required diagnostic and repair information would not include the information necessary to reset a vehicle immobilizer, an anti-theft device that prevents a vehicle from being started unless the correct key code is present. Such information would have to be made available to dealers, repair facilities, and owners through a separate, secure data release system.

The proposed law would not require a manufacturer to reveal a trade secret and would not interfere with any agreement made by a manufacturer, dealer, or authorized repair facility that is in force on the effective date of the proposed law. Starting January 1, 2013, the proposed law would prohibit any agreement that waives or limits a manufacturer's compliance with the proposed law.

Any violation of the proposed law would be treated as a violation of existing state consumer protection and unfair trade-practices laws.

*A YES VOTE* would enact the proposed law requiring motor vehicle manufacturers to allow vehicle owners and independent repair facilities in Massachusetts to have access to the same vehicle diagnostic and repair information made available to the manufacturers' Massachusetts dealers and authorized repair facilities.

*A NO VOTE* would make no change in existing laws.

## **QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

### **SUMMARY**

This proposed law would allow a physician licensed in Massachusetts to prescribe medication, at a terminally ill patient's request, to end that patient's life. To qualify, a patient would have to be an adult resident who (1) is medically determined to be mentally capable of making and communicating health care decisions; (2) has been diagnosed by attending and consulting physicians as having an incurable, irreversible disease that will, within reasonable medical judgment, cause death within six months; and (3) voluntarily expresses a wish to die and has made an informed decision. The proposed law states that the patient would ingest the medicine in order to cause death in a humane and dignified manner.

The proposed law would require the patient, directly or through a person familiar with the patient's manner of communicating, to orally communicate to a physician on two occasions, 15 days apart, the patient's request for the medication. At the time of the second request, the physician would have to offer the patient an opportunity to rescind the request. The patient would also have to sign a standard form, in the presence of two witnesses, one of whom is not a relative, a beneficiary of the patient's estate, or an owner, operator, or employee of a health care facility where the patient receives treatment or lives.

The proposed law would require the attending physician to: (1) determine if the patient is qualified; (2) inform the patient of his or her medical diagnosis and prognosis, the potential risks and probable result of ingesting the medication, and the feasible alternatives, including comfort care, hospice care and pain control; (3) refer the patient to a consulting physician for a diagnosis and prognosis regarding the patient's disease, and confirmation in writing that the patient is capable, acting voluntarily, and making an informed decision; (4) refer the patient for psychiatric or psychological

consultation if the physician believes the patient may have a disorder causing impaired judgment; (5) recommend that the patient notify next of kin of the patient's intention; (6) recommend that the patient have another person present when the patient ingests the medicine and to not take it in a public place; (7) inform the patient that he or she may rescind the request at any time; (8) write the prescription when the requirements of the law are met, including verifying that the patient is making an informed decision; and (9) arrange for the medicine to be dispensed directly to the patient, or the patient's agent, but not by mail or courier.

The proposed law would make it punishable by imprisonment and/or fines, for anyone to (1) coerce a patient to request medication, (2) forge a request, or (3) conceal a rescission of a request. The proposed law would not authorize ending a patient's life by lethal injection, active euthanasia, or mercy killing. The death certificate would list the underlying terminal disease as the cause of death.

Participation under the proposed law would be voluntary. An unwilling health care provider could prohibit or sanction another health care provider for participating while on the premises of, or while acting as an employee of or contractor for, the unwilling provider.

The proposed law states that no person would be civilly or criminally liable or subject to professional discipline for actions that comply with the law, including actions taken in good faith that substantially comply. It also states that it should not be interpreted to lower the applicable standard of care for any health care provider.

A person's decision to make or rescind a request could not be restricted by will or contract made on or after January 1, 2013, and could not be considered in issuing, or setting the rates for, insurance policies or annuities. Also, the proposed law would require the attending physician to report each case in which life-ending medication is dispensed to the state Department of Public Health. The Department would provide public access to statistical data compiled from the reports.

The proposed law states that if any of its parts was held invalid, the other parts would stay in effect.

A *YES VOTE* would enact the proposed law allowing a physician licensed in Massachusetts to prescribe medication, at the request of a terminally-ill patient meeting certain conditions, to end that person's life.

A *NO VOTE* would make no change in existing laws.

### **QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

#### **SUMMARY**

This proposed law would eliminate state criminal and civil penalties for the medical use of marijuana by qualifying patients. To qualify, a patient must have been diagnosed with a debilitating medical condition, such as cancer, glaucoma, HIV-positive status or AIDS, hepatitis C, Crohn's disease, Parkinson's disease, ALS, or multiple sclerosis. The patient would also have to obtain a written certification, from a physician with whom the patient has a bona fide physician-patient relationship, that the patient has a specific debilitating medical condition and would likely obtain a net benefit from medical use of marijuana.

The proposed law would allow patients to possess up to a 60-day supply of marijuana for their personal medical use. The state Department of Public Health (DPH) would decide what amount would be a 60-day supply. A patient could designate a personal caregiver, at least 21 years old, who could assist with the patient's medical use of marijuana but would be prohibited from consuming that marijuana. Patients and caregivers would have to register with DPH by submitting the physician's certification.

The proposed law would allow for non-profit medical marijuana treatment centers to grow, process and provide marijuana to patients or their caregivers. A treatment center would have to apply for a DPH registration by (1) paying a fee to offset DPH's administrative costs; (2) identifying its location and one additional location, if any, where marijuana would be grown; and (3) submitting operating procedures, consistent with rules to be issued by DPH, including cultivation and storage of marijuana only in enclosed, locked facilities.

A treatment center's personnel would have to register with DPH before working or volunteering at the center, be at least 21 years old, and have no felony drug convictions. In 2013, there could be no more than 35 treatment centers, with at least one but not more than five centers in each county. In later years, DPH could modify the number of centers.

The proposed law would require DPH to issue a cultivation registration to a qualifying patient whose access to a treatment center is limited by financial hardship, physical inability to access reasonable transportation, or distance. This would allow the patient or caregiver to grow only enough plants, in a closed, locked facility, for a 60-day supply of marijuana for the patient's own use.

DPH could revoke any registration for a willful violation of the proposed law. Fraudulent use of a DPH registration could be punished by up to six months in a house of correction or a fine of up to \$500, and fraudulent use of a registration for the sale, distribution, or trafficking of marijuana for non-medical use for profit could be punished by up to five years in state prison or by two and one-half years in a house of correction.

The proposed law would (1) not give immunity under federal law or obstruct federal enforcement of federal law; (2) not supersede Massachusetts laws prohibiting possession, cultivation, or sale of marijuana for nonmedical purposes; (3) not allow the operation of a motor vehicle, boat, or aircraft while under the influence of marijuana; (4) not require any health insurer or government entity to reimburse for the costs of the medical use of marijuana; (5) not require any health care professional to authorize the medical use of marijuana; (6) not require any accommodation of the medical use of marijuana in any workplace, school bus or grounds, youth center, or correctional facility; and (7) not require any accommodation of smoking marijuana in any public place.

The proposed law would take effect January 1, 2013, and states that if any of its part were declared invalid, the other parts would stay in effect.

A *YES VOTE* would enact the proposed law eliminating state criminal and civil penalties related to the medical use of marijuana, allowing patients meeting certain conditions to obtain marijuana produced and distributed by new state-regulated centers or, in specific hardship cases, to grow marijuana for their own use.

A *NO VOTE* would make no change in existing laws.

**THIS QUESTION IS NOT BINDING**

**First Suffolk and Middlesex Senate District**

Shall the state senator from this district be instructed to vote in favor of a resolution calling upon Congress and the President to: (1) prevent cuts to Social Security, Medicare, Medicaid, and Veterans benefits, or to housing, food and unemployment assistance; (2) create and protect jobs by investing in manufacturing, schools, housing, renewable energy, transportation and other public services; (3) provide new revenues for these purposes and to reduce the long-term federal deficit by closing corporate tax loopholes, ending offshore tax havens, and raising taxes on incomes over \$250,000; and (4) redirect military spending to these domestic needs by reducing the military budget, ending the war in Afghanistan and bringing U.S. troops home safely now?

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 15<sup>TH</sup> day of October, 2012.

Received and placed on file.

12-268

10. Communication from the Mayor:

Re: New School at Hill Park

In our continuing efforts to keep all Councilors, as well as School and Building Committee members fully informed on the progress of the McKinley School project, I am respectfully submitting this update on the activities pertaining to this critical City project.

On April 24th, the Massachusetts School Building Authority (MSBA) approved the City of Revere's selection of the design firm, Drumme Rosane

Anderson Architects (DRA), to lead the design efforts for solving the overcrowding and building problems at the McKinley School. City officials and Revere Public School faculty and administration have worked with DRA Architects and Collaborative Partners, project managers, over the last few months, reviewing the educational program, goals and site options. The Team has reviewed options for renovations and additions to the existing site, as well as new construction at all potential sites in the City. After several months of work and presentations to both the City Council and Building Committee, five different options emerged as potential solutions for the project:

**Option A – Renovation of the existing McKinley Building:** This option entails just renovation of the existing school building with added elevator and toilet cores. The major issue with this option is that it does not adequately support the program enrollment of 690 students.

**Option B - Renovation and expansion of existing McKinley:** Renovation and addition of the existing school to accommodate an enrollment of 690 students. This option would require substantial takings of private property and temporary classroom space so that construction could be phased. The cost of the temporary classrooms would not be cost reimbursable with the MSBA.

**Option C - New school building on existing McKinley site:** New construction at the existing McKinley site to accommodate the 690 enrollment and provide a state of the art facility. This option would also require takings of private property and temporary classrooms, both of which the state will not reimburse the City for. Additionally, the temporary classrooms would have to be located on another site and be sized to house the entire school population of 460 students. The non-reimbursable cost of a temporary school was estimated at over \$2 million.

**Option D - New school building on Della Russo Stadium site:** This option would not require any land takings or temporary classroom space and the Della Russo Stadium site has ample size to contain a new school, parking and play space. This option would require the City to find a new home for its football stadium. After exhaustive search, no feasible site for a new stadium was located.

**Option E - New school building on Hill Park site:** This option is a new school building for an enrollment of 690 to be located at the softball field at Hill Park. Option E will contain a three-story school with parking and some play space. The site will be configured so that the adjacent Della Russo Stadium can be expanded to accommodate a full football field and track as a future City project. The layout of this option has the entrance and parent drop off on Park Avenue, with bus loop separated to the east side of the site and parking in back. This option saves substantial cost by not needing temporary classroom space, but does require that the City convert Hill Park to school property. Concerns of the use of parkland for a school were thoroughly reviewed.

**The City and School officials have met with the Hill family and agreed to continue to honor the Hill brothers who lost their lives in World War II by naming the school in their honor.**

**All the options were presented to the Revere School Building Committee on August 7, 2012. After a lengthy deliberation, it was the unanimous vote of the Building Committee that the Option E to build a new school at Hill Park was the best option and should be submitted to the MSBA for their review and approval.**

**It is with pleasure that I announce that on Wednesday October 3, 2012, the Board of Directors of the Massachusetts School Building Authority (MSBA) voted to approve Revere's feasibility study with the preferred solution of a new School at Hill Park. The MSBA Board of Directors affirms that the breadth and scope of the study meets their strict requirements and the Board concurs with the decision of both the Revere School Committee and Revere School Building Committee, that a new school to be located at Hill Park is the most economically feasible and educationally appropriate option available.**

**Now with the backing of the MSBA, the City can move forward. The City will need approvals from both the US Parks Department and Massachusetts State Legislature to convert parkland to school use and we are in the process of securing those approvals. I have directed the designers and engineers to provide surveys and all information required by our Community Development Director, Frank Stringi, to file for all needed state and federal approvals. I am working with our state delegation to assure State House approval and move the federal process forward. One major requirement for the parkland conversion is to replace the recreational use elsewhere with a park of equal recreational area and value. I am pleased to say that the City is in talks with the Boston Archdiocese to acquire the existing ball fields behind St. Mary's, as well as utilizing existing property owned by the city of Revere and adjacent land, currently being appraised to host a new softball field equivalent to Hill Park.. Purchasing the existing Little League fields, and building this new softball field will guaranty that those ball fields will now remain forever open for recreational use. It is important to note that all current organizations and activities will always have access and by adding St, Mary's to the City's parkland inventory, there will be greater opportunity to improve and expand the facility.**

**The McKinley School project has been many years in the making and there is still much work left. Over the next several months a more defined design for the new school will be presented, culminating in a final Schematic Design and budget. In mid-December, we will be submitting a schematic plan and final budget to the MSBA, who has agreed to reimburse Revere 80% of all eligible costs. We are expecting the MSBA's final approval at their January 2013 Board meeting. Upon the MSBA approval, I will be asking the Council for two votes. The first will be to fund the acquisition of St. Mary's ball fields once all the state and federal approvals are in place. This vote will also allow the conversion of Hill Park to a new school site. The second vote will be for the**

bond authorization required by the MSBA to fund this most important project.

The future of our great city is in our children; we have no greater mission than to give them the best education possible. We have honored that mission with the Whalen, Susan B Anthony, Rumney Marsh and Paul Revere Schools. It is now McKinley's time. I look forward to working with the Council on making Revere Schools, already the best, even better.

If you have any questions feel free to contact me.

Ordered received and placed on file.

### Motions

12-262            11. Ordered on a Motion presented by Councillor Patch: That the Mayor request Inspectional Services to issue a Cease and Desist Order for the illegal operation of a rug business in a residential area at 547 Washington Avenue. This business is creating parking and nuisance related issues in the neighborhood.

12-263            12. Ordered on a Motion presented by Councillor Novoselsky: That the Mayor and the City Solicitor to review the PILOT with the Revere Housing Authority for the purpose of renegotiation.

12-264            13. Ordered on a Motion presented by Councillor Zambuto: That an Emergency Ordinance be adopted to establish a sick leave bank for Karen Belanger of the City of Revere Parking Clerk's Office.

### AN EMERGENCY ORDINANCE ESTABLISHING A SICK LEAVE BANK FOR AN EMPLOYEE OF THE CITY OF REVERE PARKING CLERK'S OFFICE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REVERE AS FOLLOWS:

Whereas, the deferred operation of this ordinance would tend to defeat its purpose, which is to immediately establish a sick leave bank for a certain employee of the City of Revere Parking Clerk's Office, therefore it is hereby declared to be an emergency ordinance, necessary for the immediate preservation of the public convenience.

Section 1. Notwithstanding the provisions of any ordinance, rule or regulation to the contrary, the Collector/Treasurer of the City of Revere is hereby authorized and directed to establish and administer a sick leave bank, effective upon its passage, for the benefit of Karen Belanger, an employee of the City of Revere Parking Clerk's Office. Any employee of the City of Revere Parking Clerk's Office or any employee of the City of Revere may voluntarily contribute one or more of his or her sick hours to said bank for use by Karen Belanger.

Section 2. Sick leave hours donated by employees to the sick leave bank described herein shall not be calculated as sick hours used by contributing employees to qualify for participation in the sick leave buy bank incentive program, enumerated in Title 2, Chapter 2.06, Section 2.06.160 of the Revised Ordinances of the City of Revere.

**Emergency Preamble was adopted on a Roll Call:  
Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Novoselsky, Patch,  
Powers, Reardon, Zambuto and Penta voting "yes."**

**Ordinance was adopted on a Roll Call:  
Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Novoselsky, Patch,  
Powers, Reardon, Zambuto and Penta voting "yes."**

**12-265 14. Ordered on a Motion presented by Councillor Zambuto:  
That the Mayor request the Traffic Commission to consider placing a "No  
Parking" restriction on the even side of Rose Street in the interest of public  
safety. It does not appear a fire apparatus can safely fit down the street.**

**12-124 15. Ordered on a Motion presented by Councillors Giannino,  
Correggio, and Patch: That the Mayor provide a status update on the  
following motion which was ordered by the City Council on April 23, 2012,  
"That the Mayor, in his capacity as Chairman of the School Committee, be  
requested to review the placement and condition of school zone signs." The  
electronic flashing school zone signs should also be repaired. Recently, a  
serious motor vehicle accident occurred which could have been prevented if  
proper signage was installed and operational.**

**12-266 16. Ordered on a Motion presented by Councillors Arrigo and  
Patch: That the Mayor request MassHighway to clean the MassHighway  
property behind 130 Marshall Street that is located between Marshall Street  
and Squire Road including the installation of a new fence. The Mayor shall  
also request MassHighway to issue fines to any and all violators for illegal  
dumping behind Marshall Street and to erect a "No Dumping" sign to any  
prevent future dumping.**

**Ordered that several lates be admitted for consideration.**

**12-269 17. Ordered on a Motion presented by Councillor Patch: That  
the Mayor request Mass Highway to conduct a traffic feasibility study for a  
left turn arrow for traffic on Charger Street exiting onto Squire Road. Also,  
that Mass Highway be requested to remove the right hand lane on Squire  
Road south bound. The lane appears to serve no purpose and causes traffic  
concerns for vehicles traveling in the middle lane. A break down lane would  
be more appropriate on this stretch of road.**

**Ordered on a Motion of Councillor Zambuto: That the City  
Council now stand adjourned to meet on Monday evening, October 22, 2012.**

**Ordered adjourned at 7:10 P.M.**

**Attest:**

**City Clerk**