

**City Councillor
Joseph A. DelGrosso
City Council Chamber
November 25, 2013**

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

President Novoselsky presiding.

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

2. Roll Call: Councillors Arrigo, Correggio, Guinasso, Giannino, Haas, Patch, Penta, Powers, Reardon, Zambuto and Novoselsky present.

Public Hearing

13-267 3. Hearing called, as ordered, on the establishment of the Minimum Residential Factor for the purpose of setting the tax rate for fiscal year 2014.

At the request of the Board of Assessors, the public hearing on the Establishment of the Minimum Residential Factor has been rescheduled for the regular City Council meeting of December 2, 2013.

Unfinished Business

13-267 4. Comm. from the Board of Assessors, relative to the acceptance of certain Acts to grant additional real estate tax exemptions to persons who qualify under Section 5 of MGL, I7, I7C1, I7D, 11, 11B, 22D, 22E, 37 37A, 41, 41B and 41C. Tabled, until December 02, 2013.

Committee Reports

**C-13-19
13-264**

5. Re: Report of the Zoning Committee: That upon the special permit application of Boston Wellness Center to operate a medical marijuana facility at #44 Railroad Avenue within the City of Revere be granted subject to the conditions set forth below:

- 1. The site plan shall provide a locus map showing the minimum setback radius of 400 feet from the principal entrance of the medical marijuana treatment center. Within this 400 ft. radius there shall be no residential uses, parks and playgrounds including areas designated as Areas of Critical Environmental Concern (ACEC), schools, buildings/structures used for religious purposes and public schools. The 400 ft. radius shall be measured from the principal entrance of the medical marijuana treatment center to the closest property line of the above referenced uses.**
- 2. The parking lot shall be cleared of all trucks and trailers and shall be striped for 88 parking spaces including 4 spaces designated for handicapped parking.**

3. The site shall include pavement markings for the designated driveway entrance for two way traffic including pavement marking arrows showing traffic circulation within the parking lot in accordance with the site plan dated November 12, 2013 prepared by Jay Jarosz P.L.S.
4. The entrance drive shall include signage designating entrance and exit to the site.
5. A standing accessory sign shall be installed in a landscaped island at the entrance drive and shall be setback at least 10-ft. from the right of way. The accessory sign shall be a low profile sign to be approved by the Site Plan Review Committee in accordance with the City of Revere sign ordinance dimensional controls.
6. Fencing shall be installed around the perimeter of the site and shall be a minimum of ten feet in height. Two security gates shall be installed at the site. The first gate shall be at the entrance of the customer parking lot and the second gate shall be installed at the entrance to the employee parking lot. All security gates shall be a minimum of ten feet in height.
7. The site shall be appropriately illuminated including all entrances to the building, parking lot and entrance driveways. Illumination shall be provided by attached flood lights to the building and free standing light poles to be provided on the final site plan.
8. Both interior and exterior security cameras shall be installed at the site in accordance with the Department of Public Health and Revere Police Department requirements.
9. The final plans shall be reviewed and approved by the Fire Department for fire suppression system requirements.
10. Applicant shall abide by any and all additional health regulations promulgated by the Revere Board of Health.
11. All references to "law enforcement authorities" in 105 CMR 725 shall include the Revere Police Department.
12. All notices required to be sent to or received from the Department of Public Health on behalf of the applicant shall be copied to the City of Revere Inspectional Services Department and the City Council.
13. The negotiation of a host agreement and/or permitting fee with the Revere Board of Health and/or the Director of Inspectional Services and subject to the approval and acceptance of the Revere City Council.

Motion to grant relief requested to the petitioner was declared Ordered as amended by Councillors Reardon and Powers on a Roll Call: Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Patch, Penta Powers, Reardon, Zambuto and Novoselsky voting "YES".

13-263 6. Re: Union contracts between the City of Revere and the Superior Officers Association and the Police Employees Association.

The Committee recommends adoption of the following:

Motion presented by Councillor Arrigo and Others: That the City Council hereby approves the Union Contracts between the City of Revere and the Revere Police Employees Association.

Motion was declared Ordered on a Roll Call: Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Patch, Penta, Powers, Zambuto and Novoselsky voting “YES” Councillor Reardon was absent.

Motion presented by Councillor Arrigo: That the City Council hereby approves the Union Contracts between the City of Revere and the Revere Police Superior Officers Association.

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

Communications

13-274 7. Comm. from the Mayor:

Please be advised that in accordance with the provisions of Title 13, Chapter 13.08, Section 13.08.435 of the Revised Ordinances of the City of Revere, as most recently amended, I hereby request that LaMountain Brothers Inc., 37 Federal Hill Road, Oxford, MA 01540, be re-appointed as a Licensed Drain Layer.

Please take careful notice that all drain layer licenses expire on April 1, annually, unless sooner revoked by the Mayor and the Council.

Mr. LaMountain has been advised that he will be contacted directly by the Appointment Sub-Committee with a date and time to appear before them concerning this appointment.

Ordered referred to the Appointment sub-committee.

13-275 8. Comm. from the Mayor:

I am hereby requesting the City Council’s confirmation of Stephen D’Amato, 57A Beacon St., Winthrop, MA as a Constable for the City of Revere.

In accordance with the provisions of Chapter 41, Section 91 of Massachusetts General Laws, this appointment is granted for a period of three years, unless sooner revoked by the Mayor, Chief of Police, or the Honorable City Council.

Mr. Amato has been advised that the Appointment Sub-Committee will be contacting him shortly with a date and time to appear before them concerning this appointment.

Ordered referred to the Appointment sub-committee.

13-276 9. Comm. from the Mayor:

I am hereby requesting the City Council's confirmation of Nathaniel Greene, 75 Brow Ave., Braintree, MA as a Constable for the City of Revere.

In accordance with the provisions of Chapter 41, Section 91 of Massachusetts General Laws, this appointment is granted for a period of three years, unless sooner revoked by the Mayor, Chief of Police, or the Honorable City Council.

Mr. Green has been advised that the Appointment Sub-Committee will be contacting him shortly with a date and time to appear before them concerning this appointment.

Ordered referred to the Appointment sub-committee.

13-277 10. Comm. from the Mayor:

I am hereby requesting the City Council's confirmation of Terratec Construction, Inc. as a licensed drainlayer for the City of Revere.

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

Mr. Carlos Ferreira has been advised that the Appointment Sub-Committee will be contacting him shortly with a date and time to appear before them concerning this appointment.

Ordered referred to the Appointment sub-committee.

13-278 11. Comm. from the Mayor:

Re: Chapter 73 Section 4 of the Acts of 1986

At this time, I respectfully request that your Honorable Body approve for fiscal year 2014 Chapter 73, Section 4 of the Acts of 1986. This legislation was enacted to provide further relief to property taxpayers by a possible increase on their real estate abatement up to 100%.

This legislation requires an annual approval by the Mayor and the City Council and has been approved for the past number of years.

Ordered subject matter tabled.

13-252 12. Comm. from the Mayor:

Pursuant to Council Order 13-252, relative to the Retirement Board's vote of approval or disapproval within thirty days of the home rule petition for special retirement benefits for Ms. Katherine Walsh, the following is the cost analysis of providing to Ms. Walsh a survivor benefit "...as if Mr. Walsh had been allowed to select option (c) on the date of his retirement from the fire department of the City of Revere and he had nominated his surviving spouse as his option (c) beneficiary." Please note that there are many different considerations and complexities to this matter that may not seem immediately apparent.

Mr. John Walsh retired for accidental disability effective December 10, 1995, and selected option B. At the time of his retirement, accidental disability retirees were not able to elect option c to provide benefits to a survivor, in the event that the retiree died from a cause unrelated to the cause for which he was retired for disability. Upon the death of such a retiree, pursuant to s. 101, a surviving spouse may receive a benefit of \$500 per month, with periodic cost of living increases. Ms. Kathryn Walsh is currently receiving a s.101 benefit in the amount of \$597.02 monthly.

Under option c the retiree receives a reduced benefit to provide monthly benefits to a survivor upon his death. Assuming Mr. Walsh had retired for option C rather than option B, from the time of his retirement on December 10, 1995 through his date of death on July 3, 2007, Mr. Walsh would have collected \$28,277.02 less in accidental disability retirement benefits than he was actually paid over that period.

In addition, at the time of Mr. Walsh's death, Ms. Walsh received a refund of Mr. Walsh's contributions under option B in the amount of \$14,036.07 which would not have been paid to her had Mr. Walsh elected option C.

For the period from Mr. Walsh's date of death on July 3, 2007 through October 2013, under the Council's Order, the Retirement System would owe Ms. Walsh \$99,752.10, which is the difference between the proposed option C benefit and the s.101 benefits already paid to Ms. Walsh over this period.

Finally, the estimated additional cost of the proposed special home rule legislation for option C benefits payable to Ms. Walsh as described in the Council Order over the s.101 benefit currently payable to her, from November 2013 calculated over her life expectancy is \$469,927.70. Please note the life expectancy table used was from the Health Care Financing Administration.

These costs are summarized below:

Overpayment of Option B benefits to Mr. Walsh from 12/10/95 to 7/2/07	(\$28,277.02)
Overpayment of retirement contributions to Ms. Walsh as an Option B refund	(\$14,036.07)
Retroactive benefits payable to Ms. Walsh if Option C is granted for 7/3/07-10/31/13	\$99,752.10
Estimated additional cost of the Option C benefit over the s.101 benefit currently payable to Ms. Walsh projected from 11/1/13 over her life expectancy	<u>\$469,927.70</u>
Estimated Total Additional Cost	<u><u>\$527,366.71</u></u>

As an additional consideration for potential future City of Revere Retirement System liabilities, at the present time, there are fifty-nine (59) accidental disability retirees collecting benefits who were not allowed to elect option C, including twenty-seven (27) retired firefighters, as well as twenty-three (23) survivors receiving benefits pursuant to s. 101, seven (7) of which are survivors of firefighters, inclusive of Ms. Walsh.

Accordingly, pursuant to the provisions of Title 2, Chapter 2.12, section 2.12.120 of the Revised Ordinances of the City of Revere, Voting on Retirement Home Rule Petitions, the Revere Retirement Board voted not to give a favorable vote for special home rule legislation for benefits for Ms. Kathryn Walsh proposed in CO#13-252.

We trust that this communication is responsive to your request. If you have any questions or need any additional information, please call this office.

Ordered received and placed on file.

13-149 14. Comm. from the Mayor:

Re: *Supplemental Budget Request – FY2014*

After a review of the financial requirements for the City of Revere in fiscal year 2014, I respectfully request that the following supplemental appropriations be approved by your honorable body.

1) The Revere School Department Budget is required to be increased by the amount of two hundred eighty eight thousand eight hundred and eighty-five dollars \$288,885. This increase of appropriation is necessary in order to meet the Net School Spending figure that was published for the City of Revere. I have attached for your edification correspondence from Superintendent Paul Dakin, the vote of the Revere School Committee. (attached)

2) The Office of Planning and Community Development has requested a supplemental appropriation in order to hire a project engineer after the retirement of the present project engineer. Further an amount is necessary to fund other administrative expenditures that will fall short of the anticipated amount due to the reduction of administrative costs in the federal grant that we received by the City. The amount for this appropriation to the Community Development Project Director Acct is \$57,500.

3) The last appropriation that is required is of amount of to the Revere Contract Negotiations Account in the Mayor's Office.

Since the City has not received the arbitration award from the Joint Labor Management Commission for the Fire Fighters Union these funds may be utilized to reduce the City's liability. This amount is \$412,369.

Ordered referred to Ways and Means.

Motions

13-269 15. Ordered on a Motion presented by Councillor Arrigo: That the Mayor include, with all union contracts submitted to the City Council for approval, a cost analysis from the Director of Finance and a verification of funds from the City Auditor.

13-270 16. Ordered on a Motion presented by Councillor Arrigo as amended: That the Mayor request the Director of Finance to provide an update on the costs associated with the emergency repairs to the Winthrop Avenue sewer line.

Further, that an update of schedule of completed work and work being done be sent to the Council, and that the residents in the area be notified of the re-routing of bus routes and traffic flow during this on-going construction.

13-271 17. Ordered on a Motion presented by Councillor Powers: That the Mayor request the MA Highway Dept. to arrange to have the construction material including a dumpster and flammable products removed from the construction site located at the entrance to Rice Avenue. The site in its present condition constitutes a threat to the public safety and general health.

Ordered on a Motion of Councillor Zambuto: That the City Council now stand adjourned to meet on Monday, December 02, 2013, at 6:00 PM in the City Council Chambers of Revere City Hall.

Ordered adjourned at 7:30 PM

Attest:

**Ashley E. Melnik
City Clerk**