

**City Councillor
Joseph A. DelGrosso
City Council Chamber
Journal
August 26, 2013**

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

Council President Novoselsky presiding.

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- 1. Roll Call: Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Patch, Penta, Powers, Reardon, Zambuto and Novoselsky present.**
- 2. Approval of the Journal of the meeting held on July 22, 2013.**

Journal was approved as presented.

12-022 3. Joint meeting of Verizon, Comcast and National Grid to discuss ongoing utility work.

Addressing the Council at this time were:

**Dan Cameron, National Grid
Stan Usovicz, Verizon
Tim Kelly, Comcast**

Public Hearings

13-190 4. Hearing called, as ordered, on An Ordinance further Amending Section 5.04.110 of the Revised Ordinances of the City of Revere – Civil Fingerprinting for Individuals applying for or in possession of certain licenses.

Proponents

**Sgt. Chris Giannino
Revere Police Department**

Opponents

None

Hearing held, subject matter referred to the Public Safety Committee.

13-177 5. Hearing called, as ordered, upon the Proposed Ordinance amending Schedule A-2-A of the Revised Ordinances of the City of Revere, City Clerk and Parking Clerk.

Proponents

None

Opponents

None

Hearing held, subject matter referred to Committee.

13-188 6. Hearing called, as ordered, upon the application of Robert Mahoney, Mahoney Builders, for the purpose of considering the discontinuance of a certain portion of Ossen Street, Revere, Ma.

Proponents

Robert Mahoney
2 Paul Street, Revere, MA

Opponents

None

Ordered referred to Ways and Means.

13-204 7. Hearing called, as ordered, upon the application of Nine John Street, LLC for a permit for a garage license to park eight (8) vehicles below a residential structure on Lot B-3 at 473 Revere Beach Parkway, Revere.

Proponents

Joseph B. Hart
41 George Avenue
Revere, MA

Opponents

None

Hearing held, subject matter referred to Public Safety Committee.

13-205 7a. Councillor Guinasso moved for suspension of rules for the purpose of taking up a communication from Katie Sugarman, Asst. Director of Revere Cares.

Katie Sugarman addressed the Council on the Proclamation regarding the designation of the month of September as National Recovery Month across the United States.

Resolution

Whereas, behavioral health is an essential part of health and one's overall wellness and,

Whereas, prevention of mental and/or substance use disorders works, treatment is effective, and people recover in our area and around the Nation; and

Whereas, preventing and overcoming mental and/or substance use disorders is valuable to individuals, families, and the community at large; and

Whereas, people in recovery achieve health lifestyles, both physically and emotionally, and contribute in positive ways to their communities; and

Whereas, we must encourage relatives and friends of people with mental and/or substance use disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and

Whereas, in 2011, 3.8 million people received specialty treatment for a substance use disorder and more than 31.6 million adults aged 18 or older received services for mental health problems, according to the 2011 National Survey on Drug Use and Health. Given the serious nature of this public health problem, we must continue to reach the millions more who need help; and

Whereas, the seventh annual Revere Beach Memorial, which will take place on Sunday, September 29, 2013, remembers those whose lives have been cut short due to alcohol and other drugs and provides family members and friends with the opportunity to gain strength and support from other community members who have experienced a similar loss; and

Whereas, the third annual Community Walk for Recovery, which take place on Sunday, September 29, 2013, gives the youth the opportunity to support individuals in recovery while also committing to be "Above the Influence" Of Alcohol and other drugs; and

Whereas, the Revere Fire Department has utilized intranasal Naloxone to reverse more than 100 opioid overdoses since February, 2010

Whereas, to help more people achieve and sustain long-term recovery, the US Department of Health and Human Services (HHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP), the Revere Cares Coalition and the City of Revere to participate in National Recovery Month; and

Now, Therefore, Be It Resolved, that we, the Revere City Council do hereby proclaim the month of September 2013 as Recovery Month in Revere and call upon the people of Revere to observe this month with appropriate programs, activities and ceremonies to support this year's recovery month.

In City Council, August 26, 2013, Ordered Adopted on a Roll Call: Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Patch, Penta, Powers, Reardon, Zambuto and Novoselsky voting "YES".

The Council referred back to the regular order of business.

Committee Reports

13-187 8. The Appointment sub-committee recommends confirmation of the following appointee:

Re: Appointment of John DeLeo 41 Irving Street, Revere, as a Constable.

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

9. Zoning Committee recommends favorably the following committee reports:

C-13-14 Re: Joseph Prizio, 350 Squire Rd., Revere, MA 02151 seeking permission from the Revere City Council to modify a nonconforming use from a fast-food use to a truck rental use to enable the appellant to rent ten (10) U-Haul trucks at 350 Squire Rd., Revere, MA 02151.

“Shall relief requested be granted to the petitioner with the following conditions set forth below:”

1. This special permit shall expire on September 18, 2016.
2. Ten (10) U-Haul trucks are to be stored on the easterly (Augustus Street) side of the property.

Motion to grant with conditions is now before the Council and was declared Ordered on a Roll Call: Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Patch, Penta, Powers, Reardon, Zambuto and President Novoselsky voting “YES”.

9a. The Ways and Means sub-committee recommends adoption of the following:

13-122 Re: An Ordinance Relative to Certain Persons not Represented Under MGL, Chapter 150E, Section 10.

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

An Ordinance Relative to Certain Persons not Represented Under MGL, Chapter 150E, Section 10.

Section I. Division I Table III, Section H. Schedule A-1 Section 1, Schedule A-2-A, and Section J. Schedule A-2-B of the Appendix of the Revised Ordinances of the City of Revere are hereby amended by changing the compensation rates to ensure that those employees identified in such sections who are not entitled to collective bargaining representation under MGL c. 150E, ss 10 shall receive the same percentages increases in compensation negotiated by the City and City Hall Union Units A, B, and C for Fiscal Years 2012, 2013, and 2014.

Subject matter was Ordered to a second reading.

Subject matter was Ordered on a second, third and final reading.

Subject matter was Ordered Engrossed and Ordained on a Roll Call: Councillors Arrigo, Correggio, Giannino, Guinasso, Haas, Patch, Penta, Powers, Reardon, Zambuto, and President Novoselsky voting “YES”.

Communications

13-206

10. Comm. from the Mayor:

Re: Appointment of City Engineer

In accordance with 2.48.010 of the Revere (revised) Ordinances, I would like to appoint Nicholas Rystrom as City Engineer for a period of three (3) years. As you are aware, beginning with hour FY 14 Budget. Engineering no longer falls under the Community Development and Planning Department but is a separate department. There is no change in salary or benefits, except what was agreed a part of union negotiations.

Please present this appointment at the next City Council meeting on Monday, August 26, 2013. Thank you for your courtesy and cooperation.

Ordered referred to the Appointment sub-committee.

13-207

9. Communication from the Election Commissioner:

Enclosed for your review and approval is the Warrant for the upcoming Special State Primary for Representative in Congress for Massachusetts, Fifth Congressional District to be held on Tuesday, October 15, 2013 to fill the vacancy caused by the resignation of Edward J. Markey.

Thank you for your continued support.

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

**WARRANT FOR THE 2013 SPECIAL STATE PRIMARY
SS. SUFFOLK**

**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 Special State Primaries 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 FIFTEENTH DAY OF OCTOBER, 2013, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Special State Primary for the candidates of political parties for the following office: REPRESENTATIVE IN CONGRESS. FIFTH DISTRICT

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 26th day of August 2013.

Ordered received and filed.

13-208 10. Comm. from Ms. Whittridge:

Re: Water/Sewer Rates

Why can’t we alleviate the high cost of water/sewer rates for our residents. I had an opportunity to place my name on the Ballot (my own good) May, 2001. I noted the matter of taxes (excise water). Governor Patrick recently approved another tax free weekend. We do work hard and pay quite a bit, as people. Thank you Governor for your effort and attempt. I like to think we are giving back. Example: Street sweeping Program. After sweepers ride through the streets they are naturally still with leaves on surface of city streets. The recycling venture is appreciated, too. Conclusion: A matter of public health (hygiene, Natural), healthy living also, eliminating

metered parking may solve car compromising position for our residents and those who aren't in agreement. Well utilize the recycling program.

Ordered received and placed on file.

13-209 11. Comm. from the Mayor:

Pursuant to the Revised Ordinances of the City of Revere, Title 2, Chapter 2.06, Section 2.06.060 (b). I am writing to request a waiver of the residency rule for the position of the new Library Director. Mr. Kevin Sheehan resides at 29 Endleigh Avenue, Billerica, Massachusetts.

There were 13 resumes received by the Library, none of which were Revere residents. Mr. Sheehan stood out above the rest. He has the experience, the educational background and the skill se the Library Board of Trustees desire. He was the unanimous first choice of the group. (A copy of Mr. Sheehan's resume is also attached).

Based upon the above, I believe a waiver of the residency requirement for the purpose of hiring Mr. Sheehan is in the best interests of the City. Accordingly, I respectfully request a vote to waive the residency requirement for the position of Library Director.

Ordered referred to the Appointments Committee.

13-210 12. Communication from the Mayor:

Re: Memorandum of Agreement – Unit C

Please find attached the Memorandum of Agreement that was ratified by Unit C of the Laborers Local #22. This Unit is comprised of Call Takers and Dispatchers for the Fire and Police Departments. A one year contract that begins on July 1, 2013 and expires on June 30, 2014.

The reason for the short term is the establishment of a new department the (Regional Emergency Call Center with the Town of Winthrop). There is a reopener clause in the contract if this is accomplished before the end of this contract.

2% base wage increase (Retroactive to July 1, 2013)

Clothing Allowance \$200.00 per year for the part timers. (Retroactive to July 1, 2013)

A one dollar wage increase on the wage schedule effective July 1, 2013, for Part Time Call Takers/Dispatchers.

At this time, I respectfully request that you vote favorably for this union negotiated agreement.

Ordered referred to Ways and Means Committee.

13-211 13. Communication from the Mayor:

**Re: *Loan Orders for Drinking Water Work*
*MassDEP CY-2013 – DWSRF Projects***

I am writing to request a public hearing for two new Loan Orders for borrowing under the Massachusetts Department of Environmental Protection's (MassDEP's) Calendar Year 2013 (CY-2013) Drinking Water State Revolving Fund ("DWSRF"). The DWSRF was established to provide a low-cost funding mechanism to assist municipalities in complying with federal and state drinking water quality requirements.

In this round, the City is seeking to borrow funding for construction and planning associated with implementation of a water automated meter reading (AMR) system for the City of Revere. The AMR system would replace the City's existing water meters and would consist of the following two projects:

DWSRF Construction Project No, 3833 - \$7,350,000 to complete the construction/installation of a citywide water AMR system to improve metering for the City's drinking water utility; and

DWSRF Planning Project No. 3851 - \$250,000 to complete planning and GIS Implementation for the citywide water AMR system.

Recently, the MassDEP notified the City of Revere that additional funding was now available to the City if it chose to participate in the CY-2013 DWSRF program for the proposed AMR system. Both of the above projects have received initial approval from MassDEP (see attached correspondence from MassDEP).

As was the case with earlier projects approved by the City Council this year, in order to take advantage of these 2% low interest loans and potential principal forgiveness for the proposed water AMR system, the City must complete two steps: first – approve a Resolution expressly authorizing the Mayor to file all applications and execute documents necessary for the loans; and second – approve Loan Orders for the balance of each project. In accordance with Federal funding requirements, the DWSRF program includes an additional loan subsidy provided by MassDEP again this year. *Additional subsidy* is defined by Congress as principal forgiveness, grants or negative interest loans. The City of Revere has been determined to qualify for additional subsidies under the Environmental Justice and Green Project categories based on applications prepared and submitted for the City by CDM Smith. I have attached copies of the required Resolutions and Loan Orders.

Procurement of a water AMR system is a one time expense to replace the City's out-of-date water meters through the City's Water & Sewer Enterprise Fund. The planning and construction work proposed with these new funds will help the City to quantify and locate unaccounted for water and help to improve the City's Operation and Maintenance of its water utility. It will also help residents to manage their water consumption by providing accurate and up to date account information.

Specifically, the work proposed under the CY-2013 DWSRF funding will accomplish the following. First, the \$250,000 in planning funds will be used to complete GIS Implementation for the water AMR system (including

integration of billing information, water meter locations/numbers and other information within the City's existing GIS parcel database). Secondly, the \$7.35 million in construction funds will be utilized for citywide installation of the water AMR system in all residences and most business currently connected to the City of Revere's water system.

I ask that the City Council approve the Resolutions and move these Loan Orders to a public hearing at its earliest opportunity. In advance of the public hearing, I will arrange for the City's consultants, CDM Smith, to provide the City Council with an explanation of what AMR system technology is available for the City and how the City will select the most appropriate AMR system to meet our needs. This background should assist the Council as it deliberates on this funding request.

Ordered referred to a Public Hearing.

13-212 14. Communication from the Mayor:

Re: Moody's Investor Service Report

As we discussed during budget deliberations, the Monday morning following the approval of the FY 2014 budget, George Anzuoni, Director of Finance, and I fielded inquiries from Nicholas Lehman of Moody's Investor Services on all aspects of finances pertaining to city government. Both past and present performances and forecasts were discussed in detail. Bond Authorizations and Long Term Debt, our FY13 budget results, our FY 14 budget, the city's reserves and the use of these reserves, financial policies, school department issues, local aid, collections, new growth, and ongoing economic development initiatives were highlighted during this discussion. In the end, the financial data and ultimate analysis painted the city in a very positive light.

As a result of these discussions, it is with great pleasure and pride that I notify your honorable body that the City has retained its A-1 long term bond rating for the city's outstanding General Obligation Bonds by Moody's Investor Service.

Further, the City received a MIG-1 rating (the highest rating for notes) for the \$4,518,608 Bond Anticipation Notes that were sold successfully on Thursday, July 11, 2013. A copy of this report is attached for your review. I have reviewed this report and will utilize it as a roadmap in order to continue strengthening the financial future of this city. This report is especially great news in light of the many downgrades of ratings for other municipalities and corporate entities across the country and the globe.

In closing, I would like to express my gratitude to the City Council for all of your support and hard work which assisted in the City in the achievement of this successful rating. This is a milestone. However, there are many more milestones and goals ahead of us as leaders in this great city. With our combined hard work and perseverance along our love for the city of Revere, these also will be achieved.

Ordered referred to Ways and Means.

13-213 15. **Communication from the Mayor:**

Re: Litigation – Bond Authorization – One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000)

As you know, the city has agreed to settle the case of **Lenora Macharia, as legal guardian of David Macharia vs. The City of Revere, et al** on the advice of both our Solicitor and outside Legal Counsel. This was discussed during our budget deliberations back in June.

It was the opinion of counsel, Ira Zaleznik that had the city not accepted this settlement, our liability and amount potential judgment would have increased dramatically.

Since agreeing to a figure, Counsel for both the city and the claimant have been negotiating payment options amenable to both sides, but to no avail. As such, we are obligated by accepting these terms to pay forthwith. Therefore, the first place we looked at paying this claim was from our Operating Budget, however, in doing so, we would severely impact our (the city's) ability to meet our obligations as set forth in the implementation of our annual budget, and ultimately deprive our residents of essential city services, The next place we looked and considered was our Stabilization Account, however, in the opinion of Bond Counsel, and Moody's, our financials are better served by continuing to add to our "Rainy Day Fund" and pay this settlement over time.

You should know that Moody's *is aware* of our current financial condition **including** our intent to bond for this settlement, and have still chosen to maintain our strong credit rating of A+. You will see that validated in another communication to the Council in your most recent package.

With this in mind, it is my recommendation to bond the amount of \$1,750,000. I have asked Attorney Richard Manley, bond counsel for the city of Revere to prepare the appropriate language for a Bond Authorization to be passed by your honorable body in accordance with Chapter 44 Section 7(11) of the Massachusetts General Laws as amended.

Further, I have attached a special act for your approval to bond this amount for a period of twelve years.

The plaintiff and his attorney are seeking a prompt settlement of this claim and therefore, I respectfully request that you schedule a public hearing in the very near future.

Ordered referred to a public hearing.

Motions

13-194 16. **Ordered on a Motion presented by Councillor Penta: That the Mayor request DCR to post a "No Left Turn" sign on Short Beach on the second ramp on the Parkway at the intersection of Winthrop, Endicott, and Crescent Avenue.**

13-195 17. **Ordered on a Motion presented by Councillor Penta: That the Mayor request the Traffic Commission to institute two hour parking (from 8:00 am to 8:00 pm) on Vinal Street, from Broadway to Wilson Street. (right side only).**

13-196 18. Ordered on a Motion presented by Councillor Novoselsky: That the City Council send a letter to the State Legislature in support and in favor of House Bill 1115 relative to the definition of low and moderate income housing (MGL c. 40B).

13-197 19. Ordered on a Motion presented by Councillors Giannino and Guinasso: That the Mayor request the Board of Health to take appropriate action to clean the premises located at 164 Revere Street – North Shore Flower Exchange.

13-198 20. Ordered on a Motion presented by Councillor Guinasso: That the Mayor request the Traffic Commission to amend Schedule IV Title 10 – Isolated Stop Signs by adding Davis Street for traffic entering onto Patriot Parkway.

13-199 21. Ordered on a Motion presented by Councillor Haas: That the Mayor request the Traffic Commission to re-calibrate the traffic lights at Broadway/Central Ave. and Broadway/Park Ave. to alleviate the traffic congestion caused by the advanced left green light given to traffic turning onto Central Ave. from Broadway, further, that this section of roadway be properly redesigned for efficient traffic flow.

13-200 22. Ordered on a Motion presented by Councillor Patch: That the Mayor request the DPW Sign Department to install “No Parking On Sidewalk” signage on the poles at 15 Loomis St. Vehicles park on the sidewalk in such a manner that the residents at this location are unable to use their front gate, walkway, and driveway.

13-201 23. Ordered on a Motion presented by Councillor Powers: That the Mayor, in the interest of public health and safety, request the Essex County Mosquito Control to cut the marsh grass in the Oak Island and Lower Revere Street areas. In its present condition the marsh grass constitutes a public health issue (mosquitoes) and a public safety issue (potential for fire).

13-202 24. Ordered on a Motion presented by Councillor Powers: That the Mayor request National Grid or Verizon to remove the double pole at the corner of Gilbert Avenue and North Shore Road (pole # 3819).

13-203 25. Ordered on a Motion of Councillors Correggio, and Powers: That the Mayor request either Ma. Highway or the DPW to pick up trash in and around the on ramp to the Lynnway at North Shore Road.

13-214 26. Communication from Mr. Robert Mahoney:

I am Robert Mahoney of Mahoney Builders and I am requesting Richard Street Realty Trust on their behalf. We are asking to go before the City Council at the next meeting to ask for a portion of Walnut Street abandoned to help allow us to put a cul-de-sac at the end of Walnut Street to allow fire trucks to turn around. The land to be abandoned is Parcel G consisting of 2122 s.f.

We have also gone before the Conservation Committee asking for use a portion of land governed by their Committee and was approved, and we

are before you seeking permission from the Counsel as well. Land in conservation being parcels E and F is approximately 3900 s.f. Please see attached plan.

A copy of the plan has been made part of the official documents of the City Council.

Ordered to a public hearing.

13-215 27. Ordered on a Motion of Councillor Novoselsky: That the Mayor be requested to have the City of Revere observe the 50th Anniversary of the Vietnam War, and further request our State Delegation to file the necessary legislation to considering Massachusetts as a Commemorative State.

ORDERED on a Motion of Councillor Haas: That the City Council now stand adjourned to meet on Monday, September 16, 2013.

ORDERED ADJOURNED AT 7:46 P.M.

Attest:

City Clerk