

**City Councillor
Joseph A. DelGrosso
City Council Chamber
Journal
October 6, 2014**

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

President Zambuto presiding.

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

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

3. Approval of the Journal of the meeting held on September 22, 2014.

The Journal of the meeting held on September 22, 2014 was declared approved as presented.

4. Senator Petrucelli and Representative Vincent will address the Council to provide a legislative update.

Addressing the Council were:
Senator Petrucelli and Representative Vincent

Ordered received and placed on file.

5. Jeremy Neary-Orne will be presented with a Certificate of Commendation for attaining the rank of Eagle Scout.

Ordered awarded and filed.

Committee Reports

C-14-08 6. Robert Corcoran, Boberin, LLC, of 9 Whitney Road, Boxford, MA, for request to construct six (6) townhouses within the RB District at 75 Lamson Street, Revere, MA.

Communication to the Council from Atty. Cipoletta:

For and on behalf of Bob Corcoran and Boberin, LLC, it is respectfully requested that the application for Special Permit for six townhouse units now pending before the Revere City Council be withdrawn without prejudice and without further action by the Council.

My client and I wish to thank the Council for its input and consideration during the process.

The Committee recommends that the petitioner be allowed to withdraw his application at this time.

Motion to withdraw without prejudice is now before the Council and was declared Ordered on a Roll Call: Councillors Arrigo, Giannino, Guinasso, Haas, Morabito, Novoselsky, Patch, Penta, Powers, Reardon, and Zambuto voting, “YES”.

C-14-11 7. New Cingular Wireless PCS, LLC, by its Manager, AT&T Mobility Corporation, 550 Cochituate Road, Suites 13 & 14, Framingham, MA requesting a special permit from the Revere City Council to modify an existing telecommunications facility by replacing six (6) of its existing nine (9) antennas and adding three (3) new antennas for a total of twelve (12) antennas and associated equipment at 134 Railroad Street, Revere, MA.

Subject matter remain in Committee.

C-14-13 8. North Shore Road Trust, 755-777 North Shore Rd., Revere, MA, 02151 seeking permission from the Revere City Council to construct a shelter (39' x 30') for the purpose of storing a helicopter associated with the heliport at 777 North Shore Rd., Revere, MA.

The Zoning Sub-Committee recommends adoption of the following special permit request of North Shore Road Trust, 755-777 North Shore Road, Revere, Ma., for a special permit to construct a shelter for the purpose of storing a helicopter associated with the heliport at 777 North Shore Road, Revere, Ma., with conditions set forth as follows:

1. No combustible or hazardous materials to be stored in the shelter, with the exception of those fluids and other substances stored within the said helicopter and within its engine and/or other mechanical parts and/or on board storage holding tanks and are necessary for its immediate propulsion.
2. The shelter is to be used only for the storage of a helicopter.
3. The shelter is to be no closer than 100 feet to any property line and any other structure.
4. The shelter is to be fenced on all sides and shall be screened in accordance with plans approved by the Site Plan Review Committee.

Communications

14-215 9. Comm. from Site Plan Review Committee:

Please be advised that the Site Plan Review Committee has reviewed the above referenced special permit request for the construction of a 39' x 30' shelter for the storage of a helicopter at 755 – 777 North Shore Road, Revere. The following findings and conditions have been made with respect to this site plan.

1. No combustible or hazardous materials to be stored in the shelter.
2. The shelter is to be used only for the storage of a helicopter.
3. The shelter is to be no closer than 100 feet to any property line and any other structure.

4. The shelter is to be fenced on all sides and shall be screened in accordance with plans approved by the Site Plan Review Committee.

Ordered received and made part of.

14-214 10. Comm. from the Site Plan Review Committee:

Please be advised that the Site Plan Review Committee has reviewed the above referenced site plan submitted by Cingular Wireless for the installation of 11 new antennas and associated equipment at 134 Kimball Street. The following findings and conditions have been made with respect to this site plan.

1. No antennas shall be adequately grounded to prevent lightening attraction.
2. To ensure the structural integrity of the antennas, the owner of the telecommunication facility shall provide structural plans to the Building Inspector, which are in compliance with state building code standards for telecommunications facilities.
3. The new antennas shall be façade mounted on a roof top shelter and shall be setback 10 ft. from the edge of the roof.
4. The owner of the telecommunication facility shall conduct periodic inspections at least once every year to ensure structural integrity. The inspections shall be conducted by an independent engineer and shall be submitted every twelve months to the building inspector.
5. The owner of the telecommunication facility shall provide documentation showing compliance with all applicable state and federal requirements. Evidence of compliance shall be submitted every twelve months to the Building Inspector.
6. The antennas and associated equipment must be of a neutral color that is identical to or compatible with the color of the supporting structure.

Ordered received and made part of.

14-223 11. 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 E. B. Rotondi and Sons, Inc., 21 Mansion Street, Stoneham, Ma., 02180, Dennis Lawhorne, Project Manager, be appointed as a Licensed drainlayer.

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

Mr. Lawhorne 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 reappointment.

Ordered referred to the Appointment Sub-Committee.

14-222 12. 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 Pride Landscaping Corp., 143 Bow Street, Everett, MA, 02149, Pedro Maldonado, President, be appointed as a Licensed drainlayer.

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

Mr. Maldonado 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 reappointment.

Ordered referred to the Appointment sub-committee.

14-221 13. Comm. from the Election Commissioner:

Enclosed for your review and approval is the Warrant for the upcoming State Election on Tuesday, November 4, 2014.

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

WARRANT FOR THE STATE ELECTION

SS. Suffolk County

Warrant calling the State Election on Tuesday, November 4, 2014.

GREETINGS: To the City Clerk of the City of Revere

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 the State Election 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, 144 GARFIELD AVE., Foyer
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, 144 GARFIELD AVE., Foyer
WARD 3 PRECINCT 1	ABRAHAM LINCOLN SCHOOL, MALDEN STREET ENTRANCE
WARD 3 PRECINCT 2	ABRAHAM LINCOLN SCHOOL, MALDEN STREET ENTRANCE
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, Foyer
WARD 6 PRECINCT 1	ST. MARY OF THE ASSUMPTION CHURCH, 670 WASHINGTON AVENUE, SIDE ENTRANCE OF ST. MARY'S WAY
WARD 6 PRECINCT 2	ST. MARY OF THE ASSUMPTION CHURCH, 670 WASHINGTON AVENUE, SIDE ENTRANCE OF ST. MARY'S WAY
WARD 6 PRECINCT 3	NORTH REVERE FIRE STATION, ENGINE #3, 3 OVERLOOK RIDGE DRIVE

On TUESDAY, THE FOURTH DAY OF NOVEMBER, 2014, 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:

SENATOR IN CONGRESS	FOR THIS COMMONWEALTH
GOVERNOR AND LIEUTENANT GOVERNOR	FOR THIS COMMONWEALTH
ATTORNEY GENERAL	FOR THIS COMMONWEALTH
SECRETARY OF STATE	FOR THIS COMMONWEALTH
TREASURER	FOR THIS COMMONWEALTH
AUDITOR	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS	FIFTH DISTRICT
COUNCILLOR	SIXTH DISTRICT
SENATOR IN GENERAL COURT	FIRST SUFFOLK AND MIDDLESEX DISTRICT
REPRESENTATIVE IN GENERAL COURT	16 th SUFFOLK DISTRICT
REPRESENTATIVE IN GENERAL COURT	19 th SUFFOLK DISTRICT
DISTRICT ATTORNEY	SUFFOLK COUNTY
REGISTER OF PROBATE	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 6, 2014?

SUMMARY

This proposed law would eliminate the requirement that the state's gasoline tax, which was 24 cents per gallon as of September 2013, (1) be adjusted every year by the percentage change in the Consumer Price Index over the preceding year, but (2) not be adjusted below 21.5 cents per gallon.

A *YES VOTE* would eliminate the requirement that the state's gas tax be adjusted annually based on the Consumer Price Index.

A *NO VOTE* would make no change in the laws regarding the gas tax.

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 6, 2014?

SUMMARY

This proposed law would expand the state's beverage container deposit law, also known as the Bottle Bill, to require deposits on containers for all non-alcoholic non-carbonated drinks in liquid form intended for human consumption, except beverages primarily derived from dairy

products, infant formula, and FDA approved medicines. The proposed law would not cover containers made of paper-based biodegradable material and aseptic multi-material packages such as juice boxes or pouches.

The proposed law would require the state Secretary of Energy and Environmental Affairs (EEA) to adjust the container deposit amount every five years to reflect (to the nearest whole cent) changes in the consumer price index, but the value could not be set below five cents.

The proposed law would increase the minimum handling fee that beverage distributors must pay dealers for each properly returned empty beverage container, which was 2¼ cents as of September 2013, to 3½ cents. It would also increase the minimum handling fee that bottlers must pay distributors and dealers for each properly returned empty reusable beverage container, which was 1 cent as of September 2013, to 3½ cents. The Secretary of EEA would review the fee amounts every five years and make appropriate adjustments to reflect changes in the consumer price index as well as changes in the costs incurred by redemption centers. The proposed law defines a redemption center as any business whose primary purpose is the redemption of beverage containers and that is not ancillary to any other business.

The proposed law would direct the Secretary of EEA to issue regulations allowing small dealers to seek exemptions from accepting empty deposit containers. The proposed law would define small dealer as any person or business, including the operator of a vending machine, who sells beverages in beverage containers to consumers, with a contiguous retail space of 3,000 square feet or less, excluding office and stock room space; and fewer than four locations under the same ownership in the Commonwealth. The proposed law would require that the regulations consider at least the health, safety, and convenience of the public, including the distribution of dealers and redemption centers by population or by distance or both.

The proposed law would set up a state Clean Environment Fund to receive certain unclaimed container deposits. The Fund would be used, subject to appropriation by the state Legislature, to support programs such as the proper management of solid waste, water resource protection, parkland, urban forestry, air quality and climate protection.

The proposed law would allow a dealer, distributor, redemption center or bottler to refuse to accept any beverage container that is not marked as being refundable in Massachusetts.

The proposed law would take effect on April 22, 2015.

A *YES VOTE* would expand the state's beverage container deposit law to require deposits on containers for all non-alcoholic, non-carbonated drinks with certain exceptions, increase the associated handling fees, and make other changes to the law.

A *NO VOTE* would make no change in the laws regarding beverage container deposits.

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 6, 2014?

SUMMARY

This proposed law would (1) prohibit the Massachusetts Gaming Commission from issuing any license for a casino or other gaming establishment with table games and slot machines, or any license for a gaming establishment with slot machines; (2) prohibit any such casino or slots gaming under any such licenses that the Commission might have issued before the proposed law took effect; and (3) prohibit wagering on the simulcasting of live greyhound races. The proposed law would change the definition of "illegal gaming" under Massachusetts law to include wagering on the simulcasting of live greyhound races, as well as table games and slot machines at Commission-licensed casinos, and slot machines at other Commission-licensed gaming establishments. This would make those types of gaming subject to existing state laws providing criminal penalties for, or otherwise regulating or prohibiting, activities involving illegal gaming.

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

A *YES VOTE* would prohibit casinos, any gaming establishment with slot machines, and wagering on simulcast greyhound races.

A *NO VOTE* would make no change in the current laws regarding gaming.

QUESTION 4

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 6, 2014?

SUMMARY

This proposed law would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

Employees who work for employers having eleven or more employees could earn and use up to 40 hours of paid sick time per calendar year, while employees working for smaller employers could earn and use up to 40 hours of unpaid sick time per calendar year.

An employee could use earned sick time if required to miss work in order (1) to care for a physical or mental illness, injury or medical condition affecting the employee or the employee's child, spouse, parent, or parent of a spouse; (2) to attend routine medical appointments of the employee or the employee's child, spouse, parent, or parent of a spouse; or (3) to address the effects of domestic violence on the employee or the employee's dependent child. Employees would earn one hour of sick time for every 30 hours worked, and would begin accruing those hours on the date of hire or on July 1, 2015, whichever is later. Employees could begin to use earned sick time on the 90th day after hire.

The proposed law would cover both private and public employers, except that employees of a particular city or town would be covered only if, as required by the state constitution, the proposed law were made applicable by local or state legislative vote or by appropriation of sufficient funds to pay for the benefit. Earned paid sick time would be compensated at the same hourly rate paid to the employee when the sick time is used.

Employees could carry over up to 40 hours of unused sick time to the next calendar year, but could not use more than 40 hours in a calendar year. Employers would not have to pay employees for unused sick time at the end of their employment. If an employee missed work for a reason eligible for earned sick time, but agreed with the employer to work the same number of hours or shifts in the same or next pay period, the employee would not have to use earned sick time for the missed time, and the employer would not have to pay for that missed time. Employers would be prohibited from requiring such an employee to work additional hours to make up for missed time, or to find a replacement employee.

Employers could require certification of the need for sick time if an employee used sick time for more than 24 consecutively scheduled work hours. Employers could not delay the taking of or payment for earned sick time because they have not received the certification. Employees would have to make a good faith effort to notify the employer in advance if the need for earned sick time is foreseeable.

Employers would be prohibited from interfering with or retaliating based on

An employee's exercise of earned sick time rights, and from retaliating based on an employee's support of another employee's exercise of such rights.

The proposed law would not override employers' obligations under any contract or benefit plan with more generous provisions than those in the proposed law. Employers that have their own policies providing as much paid time off, usable for the same purposes and under the same conditions, as the proposed law would not be required to provide additional paid sick time.

The Attorney General would enforce the proposed law, using the same enforcement procedures applicable to other state wage laws, and employees could file suits in court to enforce their earned sick time rights. The Attorney General would have to prepare a multilingual notice regarding the right to earned sick time, and employers would be required to post the notice in a conspicuous location and to provide a copy to employees. The state Executive Office of Health and Human Services, in consultation with the Attorney General, would develop a multilingual outreach program to inform the public of the availability of earned sick time.

The proposed law would take effect on July 1, 2015, and states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

A NO VOTE would make no change in the laws regarding earned sick time.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting. You are hereby directed to deliver an attested copy to the precinct wardens.

Given under our hands this 6th day of October 2014.

Ordered received and placed on file.

Motions

14-218 14. Ordered on a Motion of Councillor Novoselsky: That the Mayor request the Traffic Commission to extend the one way hours on Blake Street to 4:30 P.M., in conjunction with the extended day program at the Garfield School.

14-219 15. Motion of Councillor Haas: That the Mayor request DCR to consider installing a bike lane on the beach side of Revere Beach Boulevard on the sidewalk to ensure the safety of both pedestrians and bicyclists. Some bicyclists have not been mindful of pedestrians using the sidewalk.

Ordered referred to the Zoning Sub-Committee.

14-220 16. Ordered on a Motion of Councillor Patch: That the Mayor request the Traffic Commission to install a handicap sign at 30 Carlson Street.

Ordered on a Motion of Councillor Zambuto: That the City Council now stands adjourned to meet on Monday, October 27, 2014, at 6:00 P.M.

Ordered adjourned at 7:45 P.M.

Attest:

City Clerk