



CITY COUNCIL  
Regular Meeting

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City Councillor  
Joseph A. DelGrosso  
City Council Chamber  
Journal  
Monday, April 22, 2019

Regular Meeting of the City Council was called to order at 6:06 PM. Council President Arthur F. Guinasso presiding.

**Salute to the Flag**

1 Roll Call of Members

Attendee Name	Title	Status	Arrived
Jessica A. Giannino	Councillor	Present	
Patrick M. Keefe	Council Vice-President	Present	
Joanne McKenna	Councillor	Present	
Steven Morabito	Councillor	Present	
Ira Novoselsky	Councillor	Present	
Charles J. Patch	Councillor	Present	
John F. Powers	Councillor	Absent	
Dan Rizzo	Councillor	Present	
George J. Rotondo	Councillor	Late	6:14 PM
Anthony T. Zambuto	Councillor	Present	
Arthur F. Guinasso	Council President	Present	

Council President Guinasso offered his best wishes to Councillor Powers who is at home recuperating from an illness and hopes for a speedy recovery.

2 Approval of the Journal of the Regular Meeting of April 8, 2019

<b>RESULT:</b>	<b>ACCEPTED</b>
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**Zoning Sub-Committee Report**

Council President Guinasso requested suspension of the City Council Rules of Order for the purpose of taking up Councillor Zambuto's Zoning Sub-Committee report.

The Zoning Sub-Committee met on April 22, 2019 at 4:45PM. Committee members present were Councillors Giannino, Keefe, Novoselsky, Guinasso (ex-officio), and Chairman Zambuto. Councillor Rizzo was absent.

Haran Rashes, Director of External Relations for Extenet addressed the Zoning Sub-Committee. Mr. Rashes advised the committee that today, April 22nd, is the final day of the shot clock and

that the City Council must reach a decision tonight on Extenet's application for a small cell wireless antenna near 116 State Rd. and 4 Unity Ave. He further advised the committee that Extenet's application complies with all FCC regulations and that no state or local government may regulate or deny small cell antenna installations on the basis of environmental concerns. He also suggested that the City Council should address its concerns to its federal delegation.

Committee members questioned the aesthetics of the small cell wireless antenna however, the date to which the City Council had to set aesthetic guidelines has expired. Committee members were also concerned with potential health ramifications of 5G. Though FCC regulations set acceptable levels of radiation emissions for small cell antennas the committee is concerned that there are no long term effects studies of exposure to 5G.

Chairman Zambuto stated that the committee has only received opinions on health related effects of 5G small cell antennas and that the special permit application will remain in the Zoning Sub-Committee until scientific evidence and data is provided.

- 3            19-041        James S. George on behalf of Extenet Systems and AT&T Wireless, Network Building + Consulting, 100 Apollo Dr., Suite 303, Chelmsford, MA 01824 requesting permission from the Revere City Council to install small cell wireless equipment on an existing National Grid wood utility distribution pole at the corner of 116 State Rd. and 4 Unity Ave., Revere, MA 02151.

Fire Lt. Kevin O'Hara addressed the City Council on Extenet's application. He reiterated that there is not enough scientific evidence to conclude that 5G small cell antennas are safe.

Though the special permit application will remain in committee, Council President Guinasso indicated that the City Council and the fire fighters are trying to protect the community despite the FCC regulations governing the permitting of 5G small cell wireless antennas.

**RESULT:                    REFERRED TO ZONING**

**Public Hearings**

- 4            19-054        Hearing called as ordered on the revocation of the following Chapter 148 Licenses: 606 and 629.

**"SHALL THE CITY COUNCIL REVOKE THE FOLLOWING CHAPTER 148 LICENSES FOR THE REASONS HEREIN STATED?"**

- 1.)        Subway Realty Trust, 93 Bennington St., Revere, MA 02151, License No. 606  
Failed to register the property since 2011.
- 2.)        Revere Beach Apartments, LLC, 320-329 Revere Beach Blvd., Revere, MA, License No. 629  
Duplicate license on property (see License No. 641).

<b>RESULT:</b>	<b>ORDERED - ROLL CALL [UNANIMOUS]</b>
<b>AYES:</b>	Giannino, Keefe, McKenna, Morabito, Novoselsky, Patch, Rizzo, Rotondo, Guinasso
<b>ABSENT:</b>	Powers, Zambuto

- 5        19-063        Hearing called as ordered on, AN ORDINANCE FURTHER AMENDING THE ZONING ORDINANCES OF THE CITY OF REVERE RELATIVE TO TOWERS AND TELECOMMUNICATIONS FACILITIES ON MUNICIPAL BUILDINGS.

**Proponents**

Fire Chief Chris Bright

**Opponents**

None

Chief Bright submitted his recommendations to the City Council for the proposed zoning ordinance amendment relative to telecommunications equipment installations on municipal buildings.

<b>RESULT:</b>	<b>REFERRED TO ZONING</b>
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- 6        19-084        Hearing called as ordered on the petition of Bernard J. Schram, Trustee of the 257 Washington Avenue Realty Trust for the purpose of considering the discontinuance and abandonment of a certain portion of Lincoln Street as illustrated on the petitioner’s plan.

**Proponents**

Cory Rhoades, Attorney

**Opponents**

Nick Rystrom, City Engineer

The City Engineer was unable to attend tonight's meeting. Alternatively, he submitted a letter of opposition. There is public water infrastructure within the portion of Lincoln Street that the petitioner is requesting the City Council to abandon.

<b>RESULT:</b>	<b>REFERRED TO ZONING</b>
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- 7        19-085        Hearing called as ordered on the special permit application of Mobilitie, LLC, 120 S. Riverside Plaza, Suite 1800, Chicago, IL 60606 seeking permission from the Revere City Council to install a small cell antenna and associated equipment on an existing utility pole No. VZ3332 on Pleasant Street near the intersection of Broadway, Revere, MA.

**Proponents**

Lyle Bookbinder, Mobilitie

**Opponents**

Elizabeth Roper, 7 Cheever Street  
Robert Alessi, 30 Pleasant Street

Opponents to the special permit request cited potential unknown health effects as their reason for opposition.

**RESULT:                    REFERRED TO ZONING**

**Communications**

Councillor Guinasso requested suspension of the City Council Rules of Order for the purpose of taking up two communications out of order as department heads were present to speak on these matters.

8            19-086            Communication from City Auditor Relative to the Capital Improvement Stabilization Fund Appropriation

**"SHALL THE CITY COUNCIL APPROVE THE FOLLOWING APPROPRIATIONS FROM THE CAPITAL IMPROVEMENT STABILIZATION FUND?"**

- \$ 115,000 - Police, vehicles
- \$ 100,000 - Police, equipment
- \$ 145,000 - Fire, vehicles
- \$ 50,000 - Fire, equipment
- \$ 65,000 - Parking, vehicles
- \$ 75,000 - Schools, facilities
- \$ 80,000 - DPW, vehicles
- \$ 100,000 - DPW, infrastructure
- \$ 50,000 - DPW, maintenance
- \$ 50,000 - DPW, equipment
- \$ 50,000 - DPW, equipment
- \$ 100,000 - Planning, equipment

**RESULT:                    ORDERED - ROLL CALL [UNANIMOUS]**  
**AYES:**                    Giannino, Keefe, McKenna, Morabito, Novoselsky, Patch, Rizzo, Rotondo, Zambuto, Guinasso  
**ABSENT:**                 Powers

9            19-093            Communication from Wayne Rose relative to Safe Saturdays.

Wayne Rose, 22 Fairfield Street, addressed the City Council relative to Safe Saturdays and a previous motion approved by the City Council and Mayor to fund this program.

Michael Hinojosa, Director of Parks & Recreation advised the City Council that Open Gym on Saturday nights from 6:00PM - 9:00PM has been funded and operational since the first weekend in October. On average, about forty youth utilize this program.

<b>RESULT:</b> <b>PLACED ON FILE</b>
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### **Legislative Affairs Sub-Committee Report**

The Legislative Affairs Sub-Committee met on April 22, 2019 at 5:30PM. Committee members present were Councillors Novoselsky, Rizzo, Zambuto, and Guinasso (ex-officio), and Chairman Keefe. Councillor Powers was absent.

The committee discussed Council Order 18-036 An Ordinance Prohibiting Disposable Plastic Bags. Committee members were generally in favor of the proposed ordinance because of the positive environmental effects it would have on Revere - being a coastal community. Councillor Zambuto, the lone dissenting committee member, cited that if a proposed Senate bill currently on the floor of the Legislature, if passed, would void any ordinance the City Council passes.

The committee offered a favorable recommendation to the full City Council. Committee members voting "YES" were Councillors Novoselsky, Rizzo, Guinasso (ex-officio), and Chairman Keefe. Councillor Zambuto voted "NO".

10            18-036            An Ordinance Prohibiting the Distribution of Single-Use, Disposable, Plastic Shopping Bags.

### **An Ordinance Prohibiting the Distribution of Single-Use, Disposable, Plastic Shopping Bags**

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

**Section 1.** Title 8, Chapter 8.04 Offenses Generally is hereby amended by adding the following new section:

#### **Section 8.04.090 Use of Disposable Plastic Bags at Retail Business Establishments**

##### **A. Purpose.**

The reduction in the use of disposable plastic shopping bags by retail establishments in the city is a public purpose that protects the marine environment, advances solid waste reduction, reduces greenhouse gas emissions, and protects waterways. This ordinance seeks to reduce the number of plastic bags that are being used, discarded and littered, and to promote the use of reusable checkout bags and recyclable paper bags by retail establishments located in the city.

##### **B. Definitions.**

The following words shall, unless the context clearly requires otherwise, have the following

meanings:

1. *Checkout bag* means a carry-out bag provided by a retail establishment to a customer at the point of sale. Checkout bags shall not include:
  - a. Bags, whether plastic or not, in which loose produce or bulk products are placed by the consumer to deliver such items to the point of sale or check out area of the retail establishment;
  - b. Laundry or dry cleaner bags;
  - c. Newspaper bags; or
  - d. Bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture and/or prevent contamination.
2. *Disposable plastic shopping bag* means any checkout bag made predominately of plastic derived from either petroleum, natural gas, or a biologically based source, such as corn or other plant sources, which is provided to a customer at the point of sale.
  - a. The term, "disposable plastic shopping bag" includes:
    - i. Degradable plastic bags, and
    - ii. Biodegradable plastic bags that are not commercially compostable as well as commercially compostable plastic bags.
  - b. The term "disposable plastic shopping bag" shall not include:
    - i. Reusable bags;
    - ii. Produce bags; or
    - iii. Product bags.
  - c. As used in this definition, the term *produce bag* or *product bag* means any bag without handles used exclusively to carry produce, meats or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.
3. *Recyclable paper bag* means a paper bag that is 100 percent recyclable and contains at least 40 percent post-consumer recycled content, and displays the words "Recyclable" and "made from 40% post-consumer recyclable content" in a visible manner on the outside of the bag.
4. *Retail establishment* means any commercial enterprise, defined as the following: whether for or not for profit, including, but not limited to, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores.
5. *Reusable bag* means a bag that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, and meets the following requirements:
  - a. Has a minimum lifetime capability of 125 or more uses carrying 22 or more pounds; and
  - b. Is machine washable or is made of a material that can be cleaned or disinfected 125 times.
  - c. Has a thickness of greater than four mil.

### **C. Prohibition of Disposable Plastic Shopping Bags**

No retail establishment shall provide a disposable plastic shopping bag to any customer for

the purpose of enabling the customer to carry away goods from the point of sale. Nothing in this section shall be read to preclude any establishment from making reusable bags available for sale to customers or utilizing recyclable paper bags at checkout.

**D. Penalties and Enforcement.**

1. Each Retail Establishment shall comply with Section 8.04.090 of the Revere Revised Ordinances.
2. If it is determined that a violation has occurred, Inspectional Services shall issue a warning notice to the retail establishment for the initial violation.
3. If an additional violation of this ordinance has occurred within one year after a warning notice has been issued for an initial violation, Inspectional Services shall issue a notice of violation and shall impose a penalty against the retail establishment.
4. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
  - a. \$50 for the first offense.
  - b. Not less than \$100 or more than \$490 for the second offense and all subsequent offenses.

**E. Effective Date**

Stores that are 20,000 square feet or larger are required to adhere to the ordinance by July 1, 2019. Stores that are at least 10,000 square feet are required to adhere to the ordinance by September 1, 2019. Stores less than 10,000 square feet are required to adhere to the ordinance by December 31, 2019.

Ordered to a first reading - April 8, 2019  
 Ordered on a second reading - April 22, 2019  
 Ordered on a third and final reading - April 22, 2019  
 Ordered Engrossed and Ordained on a Roll Call - April 22, 2019

Councillor Giannino requested suspension of the City Council Rules of Order for the purpose of filing immediate reconsideration with the hope it does not prevail. Reconsideration failed.

<b>RESULT:</b>	<b>ORDERED - ROLL CALL [7 TO 2]</b>
<b>AYES:</b>	Giannino, Keefe, McKenna, Morabito, Patch, Rizzo, Guinasso
<b>NAYS:</b>	Rotondo, Zambuto
<b>ABSENT:</b>	Novoselsky, Powers

**Appointments Sub-Committee Report**

The Appointments Sub-Committee met on April 22, 2019 at 5:45PM. Sub-Committee members present were Councillors Keefe, McKenna, Morabito, Guinasso (ex-officio), and Chairman Giannino. Councillor Powers was absent.

All Drain Layer License applicants were presented and confirmed by the committee except for D&M Civil because the company need to upgrade its bond from \$5,000 to \$10,000 as required by ordinance. Appointees to the Board of Health - Dr. Nathalee Kong, Election Commissioner - Diane Colella, and Housing Authority - Henry Mancini also addressed the committee and received a favorable recommendation for confirmation.

11        19-059        Communication from the Mayor relative to the appointment of James T. Lynch Construction as Licensed Drain Layer

**RESULT:**        **ORDERED - VOICE VOTE**

12        19-072        Communication from the Mayor relative to the appointment of Nathalee Kong to the Board of Health.

**RESULT:**        **ORDERED - VOICE VOTE**

13        19-073        Communication from the Mayor relative to the appointment of Rapid Flow as Licensed Drain Layer.

**RESULT:**        **ORDERED - VOICE VOTE**

14        19-074        Communication from the Mayor relative to the appointment of Luigi Ciccone Masonry Construction as Licensed Drain Layer.

**RESULT:**        **ORDERED - VOICE VOTE**

15        19-075        Communication from the Mayor relative to the re-appointment of J & A Contracting Services, Inc. as a Licensed Drain Layer.

**RESULT:**        **ORDERED - VOICE VOTE**

16        19-076        Communication from the Mayor relative to the appointment of D&M Civil Inc. as a Licensed Drain Layer.

**RESULT:**        **REFERRED TO APPOINTMENTS**

17        19-078        Communication from the Mayor relative to the re-appointment of Meninno Construction Co. as a Licensed Drain Layer.



**RESULT: ORDERED - VOICE VOTE**

18 19-079 Communication from the Mayor relative to the re-appointment of Diane Colella as Election Commissioner.

**RESULT: ORDERED - VOICE VOTE**

19 19-080 Communication from the Mayor relative to the re-appointment of Henry Mancini to the Revere Housing Authority.

**RESULT: ORDERED - VOICE VOTE**

20 19-081 Communication from the Mayor relative to the re-appointment of J. Marchese & Sons as a Licensed Drain Layer.

**RESULT: ORDERED - VOICE VOTE**

**Communications**

21 19-087 Communication from the Mayor requesting an amendment to the Revised Ordinances of the City of Revere relative to trash collection.

**RESULT: ORDERED TO PUBLIC HEARING - CC** **Next: 5/20/2019 6:00 PM**

22 19-088 Communication from the Mayor relative to the re-appointment of Camdele Construction as a Licensed Drain Layer.

**RESULT: REFERRED TO APPOINTMENTS**

23 19-089 Communication from the Mayor relative to the re-appointment of J. Masterson Construction as a Licensed Drain Layer.

**RESULT: REFERRED TO APPOINTMENTS**

24 19-090 Communication from the Mayor relative to the Unit B MOA.

**“SHALL THE CITY COUNCIL APPROVE THE APPROPRIATION NECESSARY TO FUND THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF REVERE AND UNIT B COVERING THE PERIOD FROM JULY 1, 2019 THROUGH JUNE 30, 2021?”**

<b>RESULT:</b>	<b>ORDERED - ROLL CALL [UNANIMOUS]</b>
<b>AYES:</b>	Giannino, Keefe, McKenna, Morabito, Novoselsky, Patch, Rizzo, Rotondo, Zambuto, Guinasso
<b>ABSENT:</b>	Powers

25      19-091      Communication from the Mayor relative to a loan order in the amount of \$6,700,000 for the Phase 10 Construction, CWSRF Project No. 4487.

<b>RESULT:</b>	<b>ORDERED TO PUBLIC HEARING - CC</b>	<b>Next: 5/20/2019 6:00 PM</b>
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26      19-092      Communication from the Mayor relative to a loan order in the amount of \$1,500,000 for Phase 11 Field Investigations, CWSRF Planning Project No. 4532.

<b>RESULT:</b>	<b>ORDERED TO PUBLIC HEARING - CC</b>	<b>Next: 5/20/2019 6:00 PM</b>
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**Motions**

27      19-094      Motion presented by Councillor Rotondo: That the City of Revere proceed with a six month moratorium on all residential properties greater than 6 units within the City Of Revere. Further, that the mayor provide the City Council with any scope of work related to the Master plan, retained traffic studies from previous development and or any proposed development communicated to the Mayor's Office or Bob O'Brien to help with the study of future development impact in the City's critical infrastructures, education, and health of the community.

<b>RESULT:</b>	<b>REFERRED TO ZONING</b>
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28      19-095      Motion presented by Council President Guinasso: That the Mayor request the MBTA to set up a meeting at Revere City Hall to allow residents to purchase CharlieCard passes due to the work being done on the Tobin Bridge. There has been a high demand for these passes and many residents are unsure of the process to obtain one.

Councillor Zambuto is recorded as recused from discussion on this matter.

Julie DeMauro, Active Transportation Manager addressed the City Council. She indicated that the City is already working with the MBTA to give Revere residents access to purchase Charlie Cards, possibly at the Parking Department. She also informed the Council that MBTA access will be a cashless system and that all riders will have to obtain a Charlie Card.

**RESULT: ORDERED - VOICE VOTE**

- 29      19-096      Motion presented by Councillor Rotondo: That the Revere City Council send a letter of support to workers of UFCW Local 1445 in their effort to negotiate a fair and equitable contract with Stop and Shop.

Though Stop & Shop reached an agreement with UFCW Local 1445 over the weekend, the Council would still like to send a letter supporting their efforts.

**RESULT: ORDERED - VOICE VOTE**

- 30      19-097      Motion presented by Councillor Zambuto: That the City Council delay a vote on the City's proposed plastic bag ban ordinance until the legislature enacts S.462 An Act Reducing Plastic Bag Pollution. This act would apply to the entire Commonwealth of Massachusetts and in accordance with the proposed language of S.462, "any municipality with an existing ordinance or by-law banning plastic bags shall be null and void on August 1, 2019."

The City Council discussed the merit of the motion, however, the City Council had previously engrossed and ordained An Ordinance Prohibiting Disposable Plastic Bags earlier in tonight's meeting.

Rocco Falzone, 55 Tuscano Avenue approached the podium to address the City Council, however his concerns on double poles in addition to Asti and Tuscano Avenues were not relative to the motion on the floor.

Councillor Zambuto agreed that the motion was moot at this point and withdrew the motion.

**RESULT: WITHDRAWN**

- 31      19-098      Motion presented by Councillor Rotondo: That the Mayor request the Director of Parking to use discretion when enforcing the provisions of MGL c. 90 s. 20A½ relative to the towing of vehicles after receiving five or more violations. Please note that the statute reads, the parking clerk MAY notify - as opposed to SHALL notify - the Chief of Police when requesting a vehicle be towed for delinquent violations. Though towing has been done in the past in accordance with state law, the current enforcement policy of towing any vehicle that has received five or more violations that have not been paid after twenty-one days is draconian and affects the poorest and most vulnerable residents of our community.

**RESULT: REFERRED TO PUBLIC SAFETY**

- 32      19-099      Motion presented by Council Vice-President Keefe: That the Mayor request the MBTA and the Department of Public Works to review the installation of steel posts at the corner of Broadway and Park Ave (west bound) to guard pedestrians from large busses and trucks driving over the curbs and handicap accessible ramps. This is happening much to frequently and will help eliminate the issues.

Councillor Zambuto is recorded as recused from discussion on this matter.

**RESULT: ORDERED - VOICE VOTE**

- 33      19-100      Motion presented by Council Vice-President Keefe: That the Mayor request the Traffic Commission and Department of Public Works to install an additional crosswalk on Park Avenue between Dale Street and the Hill School crosswalk locations.

**RESULT: ORDERED - VOICE VOTE**

- 34      19-101      Motion presented by Councillor McKenna: That the Mayor request Capital Waste to place City issued trash barrels back on the sidewalk as opposed to leaving them in the street.

**RESULT: ORDERED - VOICE VOTE**

- 35      19-102      Motion presented by Councillor McKenna: That the Mayor request the City Solicitor to draft special legislation amending Chapter 185 of the Acts of 1983 An Act Establishing a Traffic Commission in the City of Revere so as to provide for public hearing notice requirements and regulation adoption notification to property owners on streets affected by the adoption of Traffic Commission Regulations. The only notification requirements for the adoption of Traffic Commission regulations are that, “Public notice shall be given by publication in full of the proposed adoption, alteration or repeal not less than once in each of three successive weeks in one or more newspapers published or distributed in the city. The public notice shall include a statement of the effective date of the proposed action, which shall not be less than twenty-one days following the first of the three newspaper publications.” The current law does not provide adequate transparency to property owners affected by the adoption of Traffic Commission regulations.

Eric Lampedecchio, 43 Tapley Avenue, addressed the City Council expressing his concerns over the lack of communication to residents when Traffic Commission regulations go into effect.

**RESULT: ORDERED - VOICE VOTE**

Ordered adjourned at 7:45 PM.

Attest:

City Clerk